

# AMERICAN RAILROAD JOURNAL.

## STEAM NAVIGATION, COMMERCE, MINING, MANUFACTURES.

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that she is very much like all new States; a little more lax in some of her notions, perhaps, for the reason that her original population was made of a more heterogeneous material, and were further removed from the influence of the conservative notions of the older States. But if she possessed greater idiosyncrasies in the beginning, than any other state, she is losing them faster, and will very shortly possess the general stamp of features, that characterize the whole country.

The first and most powerful cause in the rapid progress of Texas, in the favorable direction we have noticed, is her immense and varied agricultural resources. Her territory may be laid off into three belts, or zones, each particularly adapted to its peculiar product; the first composed of sugar lands, skirting the Gulf, and extending about 100 miles into the interior; the second, particularly adapted to the growth of an article of cotton, far superior to any raised in the United States, with the exception of Sea Island, and embraced within the 30th and 34th parallels of latitude; the third, a grazing and grain growing region, and embracing that portion of the State lying to the north of what we have described, and running some distance into the cotton zone. In adaptedness for each of the productions named, the different parts of Texas probably excel any other portions of the United States. In climate she is equally favored; without excessive heat in the summer, or cold in winter. There is no doubt that in very many respects, this State is by nature the garden spot of the United States. This fact is fast being understood, and is attracting to Texas an immense tide of immigration from every portion of this country and Europe, which is rapidly introducing new elements into her population, assimilating it in its leading characteristics, to those of the whole country, and making what has hitherto been felt to be a province, a part of the United States.

We are fast finding out what Texas is. Her present population is made up of active and enterprising people, who have emigrated thither within a few years past from all the other States of the Union. They naturally wish to carry with them all the arts of life, and all the contrivances of ingenuity and industry, that distinguish the communities they have left. Whatever was valuable in the older States, they see may be made still

more valuable in Texas, from the greater resources of that State. From her physical peculiarities, some of these contrivances are still more necessary in Texas, than in any other part of the country. One of these is the RAILROAD. The presence of railroads is now felt to be the great want of Texas; the great hindrance to her rapid material progress. With superior advantages in other respects, she is singularly destitute, for this country, in navigable rivers. Although she numbers several of considerable magnitude, there are none that are well adapted to purposes of navigation. They all have a rapid descent to the sea, and none of them, with the exception of the two which form her northern and southern boundaries, the Rio Grande, and Red rivers, rising in a highly elevated region. They soon "run out," as the phrase is, and afford only an exceedingly precarious and expensive means of sending the products of the interior to a market, and are at the present time only used as a matter of necessity, till better and more convenient highways shall be opened. These future highways are to be Railroads. It is upon the construction of these works that the future prosperity of Texas must depend. Her progress will be measured by the extent to which they are carried. They are to be instrumental of her greatness. This fact is now universally felt and acknowledged, and as the people of the State are awake to the importance and value of these works, and are determined to make every effort for the purpose of securing their construction, and as this is an entirely new field, and as it is of the highest importance that the first steps in all great enterprises should be in the right direction, we have taken occasion to refer particularly to the subject of railroad construction in this State, for the purpose of aiding the efforts now making, by presenting before her people the most approved plans of construction pursued in those which have, on the whole, achieved the greatest success in this direction.

The first point to be considered in undertaking a railroad in Texas is, "how shall the money for railroads be obtained?" for all, after this, is the simplest process imaginable. But in this State, the only question is a very serious one. Texas is rich in property, and not poor in money, except for investments of a permanent character. Where opportunities for investment are so great, we can-

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### TEXAS.

No State in the Union has gained so rapidly in the good opinion of her sister States, for a few years past, as TEXAS. Wrung, partly by violence, from an independent power, the very antipodes to us in ideas and institutions; settled by a race of pioneers, whose external life presented a striking contrast to the quiet and regular condition of society in the older States; the theatre of more or less violence, the universal attendant of a frontier life; the Northern and Eastern States have been accustomed to regard Texas with all the prejudices which it is natural that a people should feel toward whatever strongly contrasts with their own habits and peculiarities, heightened and aggravated, in the present case, by the reports of lawlessness and personal insecurity, which have reached us from that quarter, which have increased in extravagance in proportion to the distance they have travelled.

But these reports, as all that come from a distant land, every day's experience is proving to be in a great degree, fabulous. As fast as we are becoming acquainted with Texas, we are finding out

not expect that the people will voluntarily put their money into a work that will only produce 8 and 10, or even 15 per cent per annum. It is therefore a common saying, that Texas has no money to put into railroads. This is true, provided she can get them without; but she cannot unless she does something, much, herself. But she cannot do all. She must make her credits, and those of her people, available to supply, as far as possible, the lack of domestic means. Other States have built their railroads by the use of credits; so must Texas, or go without them, for some time to come, to say the least. How shall this be done, is the question. Texas, though a distant field, presents many strong attractions to capitalists. There, every kind of property is at a very low price, from its great abundance and its distance from market. Introduce railroads into the state, and both personal and landed property would be doubled, and quadrupled, as if by magic. This increase of value is the margin for profit for the active and enterprising, who will identify their own interests with those of the country, and develop its resources. But it is not expected that capitalists will be found who will undertake railroads in Texas, merely for the *incidental advantages* that are to flow from their construction. To secure these works, the people of Texas must of themselves contribute a sufficient amount to their projects to render entirely secure, any foreign aid they may need, to secure their construction. Texas must furnish the *security*, and then no difficulty will be found in getting the money upon it; for it is only then that the incidental advantages we have referred to, can be made instrumental in influencing capitalists to lend their aid.

The state has disclaimed the policy of lending her credit direct to railroads. This would be well, were there no blemish upon this credit. States should never connect themselves with railroads. But such aid as the state in her sovereign capacity could give, such as grants of lands, has been freely extended. To her most important roads, Texas has granted *eight* sections of land per mile. These lands may be taken at choice, wherever they can be found. This provision is one of great value, but will not be regarded as sufficient, but only as cumulative security for a loan. In most cases the lands cannot be found on the line of the proposed roads; so that their value cannot be so much affected by their construction, as they would be were they within their immediate vicinity. The attempt to bring out Texas roads with no other security than these lands, is premature, and is a great error. The schemes will not be taken up upon this, and all attempts to bring them upon the market without other basis, is to prejudice public opinion, and defeat the very object intended.

The Texas people must put a portion of their own money into their roads. There are many reasons for this, besides the *necessity* for doing so. They should retain the control of them in their own hands. It should be a leading object with them to create a *domestic* interest in these works, as a means of educating their people up to a proper idea of their importance, and to qualify themselves for their proper superintendence and management. No railroad can prosper that is not sustained by the sympathies and good wishes of the community in which it is situated. A road frequently wants something beside *business*, to in-

sure success. Where a community invests a considerable portion of their own means in a road, their good will is secured as a matter of course, and a purchaser of its securities finds that he has not only an actual basis for their safety, but a *guarantee* that such road, which cannot be mismanaged without sacrificing the interests of parties most to be benefitted by its success, will be well managed.

To entitle companies to borrow for new works, an amount of *domestic* stock subscriptions, equal to the sum sought to be borrowed, has been regarded as necessary. This is now an established rule. It has a value for numerous reasons, which will soon apply with as much force to Texas, as to any other portion of the country. When a reasonable amount of domestic means *cannot* be raised, the presumption is, that there is not sufficient business on the line of the proposed road to support it, when built. Could railroads be built entirely upon credits, it is easy to see that no check whatever could be placed upon their indiscriminate and unwise construction. The rule that we have given imposes this check, at the same time it regulates their healthy construction and management, and renders secure beyond a peradventure, all its creditors. The lands granted by the state, however, may be regarded as equivalent to a stock subscription equal to one quarter of the cost of the roads, leaving only an equal amount to be provided for by domestic means, to furnish a sufficient basis for a loan.

Many portions of the western states have secured the construction of railroads, when a sufficient amount of *individual* stock could not be obtained, by the use of the *credits* of *municipal corporations*, such as cities and counties. There is of course some objections to resorting to such, as by doing so, they embark in enterprises that are entirely foreign to the objects of their original organization. Their use, however, has not been attended with any injurious consequences either to the corporations or to the public; but on the other hand it has been productive of a vast amount of good.

Numerous railroads, among which may be numbered some of our most valuable lines, could have been built in no other way. The use of county credits has been carried to such an extent in Ohio, that there is hardly a county in the state that has not loaned its credit to one or more roads, and they have been so useful in this particular, that the magnificent railway system of that state may be said to be based upon the *credits* of her counties. These credits, though regarded with some hesitation in the outset, are now considered as the best securities offered in this market, and with the good opinion that exists in reference to them, they are not rated above their true value. In fact no better security can be made than that based upon the *aggregate* property of a county, which is yearly increasing in value, and upon the whole of which the debt created is a direct lien.

If the people of Texas can make up one half of the cost of their roads by stocks taken from individuals and counties, they will find no difficulty in building their roads. The other moiety they can borrow upon the security of the first. If they cannot, they will as a general thing have to postpone their schemes till they acquire greater strength. Other portions of the country are compelled to do the same, and Texas cannot expect to do better.

With regard to routes, the people of the state are the best judges upon this subject. For freights, which for some time to come will be the leading business of these roads, the most convenient routes will be those that reach tide water by the shortest line, and with the least expense. Some of the more important roads that are projected, are the *Mata-gorda Bay and San Antonio*, the *Houston & Austin*, and the *Henderson and Bolivar Point Roads*. The most promising of these projects at the present time is the Henderson and Bolivar Point road, for the reason that it traverses the longest settled, best cultivated and richest portion of the state and terminates at its best harbor. The country traversed by this road is the only densely settled part of the state. From Bolivar Point, on the Galveston bay, to Henderson, the distance is 200 miles. The first 80 miles traverses the *Sugar belt* of Texas. For the remainder of the distance *Cotton* is the leading product. The entire country traversed is one of the most fertile and largest producing portions of the south, the products of which, already would afford an ample support to a first class road. This section is now without any convenient outlet; the nearest navigable being the *Red river*, which is well known to be the most difficult of navigation of all the branches of the Mississippi. A greater part of the products of eastern Texas are now waggoned to this river, and then sent down, at great expense, to New Orleans, which is the principal port of Eastern Texas at the present time, for the want of access to those within her own borders. The object of the Henderson and Bolivar Point railroad is to supply the convenient and appropriate outlet for eastern Texas, and with this view, is receiving the warm and efficient support not of the population residing immediately upon its line, but of distant parties who have interest in this state.

It is also designed to push this road north from Henderson to Fulton, on the Red river, for the purpose of connecting with the railroad now in progress from Vicksburgh to the above point, by way of Little Rock.

The Henderson road will be of the easiest and cheapest construction. No river of any magnitude will be crossed in the whole distance. The general aspect of the country is *level*. There will be little or no rock work upon the entire line. The country traversed is healthy in the highest degree, and is almost entirely free from the fever and ague, so prevalent in some of the western states.

We are gratified to learn that measures are in progress which promise the immediate commencement of the above road. The population upon its route are both able and willing to furnish a considerable portion of the means necessary for its construction. In addition we know the project to be viewed with favor by capitalists, and parties engaged in Texas trade, who stand ready to extend efficient aid as soon as the project is brought before the public.

We are very anxious to see this project succeed, as we are all others that are properly brought out. It is by having the resources of Texas properly opened up to public inspection that they can be fairly appreciated and understood, and every moment now lost, will be felt in the future progress of this great state.

E. F. Drake, of Xenia, has been elected President of the Dayton and Western road, and also of the Dayton and Xenia Coal road.

**Constitutionality of Corporate Subscriptions to Railroads**

The Supreme court of Pennsylvania, has just decided corporate subscriptions for railroad purposes to be *constitutional*, thus disposing of the recent cases pending before that tribunal. Great interest was felt in the result, as the decision of the court involved the question of the validity of a large number of subscriptions. The decision will be received with great satisfaction by numerous companies, and by the public.

The following is an *abstract* of the opinion as delivered by Chief Justice Black:

**OPINION.**

After a brief recapitulation of the principal points and principles which settle the cause, the Judge proceeds:

1st. In determining whether the act of the Legislature is constitutional, we must look to the body of the constitution itself for the reasons. The general principles of justice, liberty and right, not contained nor expressed in that instrument, are no proper elements to base a judicial decision upon.

2d. If such an act be a written general grant of legislative power, that is, if being a law, and if it be not forbidden expressly or impliedly, either by the state or Federal Constitution it is valid.

3d. To make it void, it must be clearly not an exercise of legislative authority, or else be forbidden so plainly as to leave the case free from all doubt.

4th An Act of Assembly authorising subscriptions by a city to the stock of a railroad corporation is not forbidden in article first, section 13, of the State Constitution; that section not being a restriction upon the legislative authority of the two Houses, but a bestowal of privilege upon the separate branches.

5th. Such act does not impair the obligation of any existing contracts, nor does it attempt an impossibility by creating a contract; but merely authorises the corporations to make one if they shall see proper.

6th. This is not such an injury to plaintiffs' lands, goods or persons, that they are entitled to judicial remedy for it, agreeably to section 11, article 9. It is no injury at all, except on the gratuitous assumption that it is forbidden in some other part of the constitution.

7th. It does not violate the right of acquiring, possessing, or protecting property secured by section first, article nine. The right of property is not so absolute but that it may be taxed for public benefit.

8th. This is not a taking of private property for public use without compensation, contrary to Sec. 10, article 9. When property is not seized and directly appropriated to public use, though subjected in the hands of the owner to greater burdens than before, it is not taken.

9th. It cannot be said that the plaintiffs will be deprived of their property in violation of section 11th, article 9th. The settled meaning of the word deprive, as there used, is the same as that of taken in sec. 10.

10th. An act of assembly to authorise the taking of private property for public use, would be unconstitutional, because it would not be legislation, but a mere decree between private parties; but this is no taking in any sense, for any purpose or for any uses.

11th. Plaintiffs have no ground for complaint against the acts of Assembly now in question, because they authorise the creation of a public debt, of which they may be required hereafter to pay a part in the shape of taxes; for by taxation alone can any harm ever come to them.

12th. If it be within the scope of our legislative powers, with consent of the local authorities, to permit assessments of local taxes for the purpose of assisting the corporation to build railroads, bearing to tax payers the relation which these

roads do, then the laws complained of, are unobjectionable.

13th. Taxation is a legislative right and duty, which must be exercised by the general assembly through the medium of laws passed by them under their authority.

14th. The power of the Assembly with reference to taxation is limited by their own discretion. For its abuse, members are accountable to nobody but their own constituents.

15th. By taxation is meant a certain mode of raising revenue, for public purposes, in which the community that pays it has an interest. The right of the state to lay taxes has no greater extent than this.

16th. The act of the Legislature authorizing contributions to be levied for a more private purpose or for a purpose which, although public, is one in which the people, from whom they are exacted, have no interest, would not be law, but a sentence commanding a judicial payment of a certain sum by one portion or class of people to another. The power to make such an order is not legislative but judicial, and was not given to the Assembly by the general grant of legislative authority.

17th. But to make a tax law unconstitutional when thus granted, it must be apparent that the community taxed can have no possible interest in the purpose to which their money is to be applied. This is more especially true if it be a local tax. Local authorities have themselves levied taxed in pursuance of an act of Assembly.

18th. If therefore, making a railroad be a mere private affair, or if the people of Philadelphia have manifestly no interest in the railroads which run to and towards the city from Easton and from Wheeling then the laws are unconstitutional.

19th. But if railroads are not private affairs, are but public improvements, then it is the right and duty of the State to advance commerce and promote the welfare of the people by making, or causing them to be made, at the public expense.

20th. If the State declines to make desirable or public improvements, she may permit it to be done by companies. The fact that it is made by a private corporation does not take away its character as a public work.

21st. The right of the company, by which it is made to be compensated for the expense of constructing it, by taking tolls for its use, though it gives the corporation an interest in it, does not extinguish the interest of the public nor make the work private, because, to say nothing of other advantages, though the public may pay toll, still they can travel on it much cheaper than without it.

22d. The State may, therefore, rightfully aid in the execution of such public works by delegating to corporations the right of eminent domain as she always does, or by an exertion of the taxing power, as she has done very often.

23d. The right of local authorities to tax a particular city for local improvement, is as clear a right as to lay a general tax for any public purpose whatsoever.

24th. If the State having constitutional power can create a State debt by a subscription in behalf of the whole people to the stock of private Corporations engaged in making public works, it follows, from what has been before said, that she may authorize a city or district to do the same thing, provided such city or district has a special interest in the work to be so aided.

25th. There is not a case in which we can determine as matter of law that the city has no interest in the proposed railroads. That this is true as matter of fact, has not even been asserted in argument; only a little more than intimated.

26th. If the Legislature and the Councils decide that the city has an interest large enough to justify these subscriptions, we cannot gainsay this without declaring its interest to be flatly impossible, and to do that would be absurd.

27th. Finally if the authorities of the city, in accordance with their charter, and with certain

laws supplementary thereto, are about to create a public debt for public purposes, in which the city has an interest, it will be as valid and binding as if it had been largely contracted to accomplish any other public purpose for the benefit of the city. Injunction refused.

We also give the argument of Judge Woodward in the same case, that our readers may see the grounds upon which the decision of the court was based, and as a convenient reference for companies who may have similar questions raised in regard to securities they may hold.

*Sharpless, et. al., vs. the City of Philadelphia.—*

**OPINION OF JUSTICE WOODWARD.**

The acts of Assembly whose constitutionality is drawn in question, were approved on the 6th day of May, 1852, and the 9th of April, 1853, respectively.

By the first, the constituted authorities of the city of Philadelphia, the incorporated districts in the county of Philadelphia, the borough of Easton in the county of Northampton, and the counties of Monroe and Pike, or either of them are authorised to subscribe for shares in the capital stock of the "Philadelphia, Easton and Water Gap railroad company," provided that no subscription by any municipal corporation, authorised by this section to subscribe to the capital stock of said company, shall exceed ten per cent on the assessed valuation of the real and personal estate in the city, district, borough or county, making such subscription. By the other of these acts, the city of Philadelphia is authorised to subscribe for 10,000 shares, in the capital stock of the Hempfield railroad company, and "the said city may be represented at elections and other meetings of the said company, by agents duly authorised to act by resolutions of the councils thereof." To enable the city to pay for these stocks, both acts empower the city "to borrow money to pay therefor, and to make provision for the principal and interest so borrowed, as in other cases of loans to said city."

By an ordinance of the city councils, passed in the forms of the charter, on the 10th of March, 1853, the mayor was authorised on certain conditions, to subscribe for ten thousand shares in the capital stock of the Philadelphia and Water Gap railroad company; and by a similar ordinance of the 4th April, 1853, he was authorised unconditionally, to subscribe for 10,000 shares in the capital stock of the Hempfield railroad company, which he did on the 10th of May, 1853.

To restrain the city authorities from making these subscriptions, and from issuing bonds, if already made, the Relators, who are citizens and owners of real and personal estate in the said city, apply to this court for a writ of injunction. The city pleads the authority of the Acts of Assembly for the subscriptions. The Relators allege that these Acts are unconstitutional and void. This is the issue on the record.

It is material to observe, that neither of the railroads are within the city of Philadelphia. The first named begins at a point north of Vine street, which is the northern boundary of the city, and runs by the most expedient and practicable route to or near the Borough of Easton, and thence by various authorised connections and extensions to a point called Waverly, on the New York and Erie railroad, where it touches the northern boundary of the state, in the county of Bradford.

The Hempfield railroad was incorporated, to be laid with one or more tracks from Greensburg, in Westmoreland county, where it intersects the Central railroad, to some point near to West Newton, in said county, and thence by authorised connections and extensions, through Washington county, Pennsylvania, and Ohio county, Virginia, to the city of Wheeling. This road is said to be at its nearest point three hundred miles from the city of Philadelphia. It must be assumed that the design of one of these roads was to facilitate trade and commerce between the city of Philadelphia, and the northern portions of Pennsylvania and New York—of the other to bring increased trade and travel on the Central railroad, in which the city

of Philadelphia owns \$4,000,000 of stock, as well as to establish a direct communication between the said city and the valley of the Ohio at the city of Wheeling.

Though it is possible to imagine that the city of Philadelphia might be able to make provision for the payment of the loans authorised by these acts of Assembly, out of rents of property, dividends on stocks, exchange or sale of stocks, legacies and such like resources; yet taxation was the power evidently intended to be conferred. The question, therefore, which we have to decide, may be stated thus: Had the Legislature constitutional power to authorise the city of Philadelphia to subscribe for stock in the railroad companies, to borrow money to pay the subscriptions, and to levy taxes to pay the loans?

We make considerable progress in the discussion of any question by stating it properly. From the statement of the present question it is apparent that some matters which entered largely into the discussion at bar, have no necessary connection with it. The policy of such legislation is in no degree a question for the judiciary. That belongs exclusively to the people and their representatives. Nor have the doctrines of *eminent domain* anything to do with the question before us. It is said there are but two modes under our constitution, in which the public may take private property—the one by virtue of what is called *eminent domain*, when the compensation is secured by the constitution—the other, by taxation, when compensation is provided for—except what results incidentally from a republican form of government.

I do not agree with one of the learned counsel in the West Chester case, who argued that there is no distinction between eminent domain and taxation, I think there is. Both are exercises of sovereignty, but the former has respect to the property of individuals, and is regulated only by the public exigencies, whilst the latter respects the whole community, or whole classes of individuals, and is regulated by some standard prescribed by law. Again, when private property is taken for public use, compensation must be made, and that must be in money and cannot be in kind—*Vanhorn's Lessee, vs. Dorrance 2d—Dallas*. Sutton's heirs, vs. city of Louisville, 5th Dana, 29. Money, said Lord Mansfield, is the measure of value. In some sense money is property, but when our constitution requires compensation in *money* to be made for *property* taken for public use, it marks a distinction between money and property—between value and its measure. But taxation is a public demand, not for *property* in the sense of the constitution, but for money or personal services, and that without compensation. True under most tax laws, property may be seized, and sold in default of payment in money, but this only as means to an end, just as the body may be imprisoned if property cannot be found. Nor are these distinctions disproved by the instance put in argument, of money seized to pay troops on the point of mutiny in the face of an invading foe, when it was said if compensation be made it must be in kind. The answer is, that such a seizure would be neither the exercise of *eminent domain* nor the power of taxation, but of martial law. In adequate emergencies, martial law suspends the *Habeas Corpus*, inflicts summary punishments, and appropriates private property without regard to the guarantees of the constitution. *Inter arma silent leges*. But in the operations of civil government, the legislature exercises its constitutional sovereignty, sometimes in taking specific property from individuals for a price, and devoting it to public use, and sometimes by imposing a tax on property, without change of its title or its use.

What we have to deal with here is the constitutionality of laws for taxation, and all those clauses of the constitution, and all the arguments of counsel which apply to legislation, founded on the *eminent domain*, are beside the point, and may be laid out of the discussion.

Do I take undue liberty with the question, in thus shearing it of much matter which distinguished counsel supposed pertained to it? Are they

not tax laws? The words of the enactments as we have seen import taxation. The complainants so understand them, for they tell us they are "bound by law, and do pay all taxes justly assessed and levied on their property in the city of Philadelphia," and they charge that by said subscriptions and the issuing of said bonds, the debt of said city now exceeding seven millions and a half of dollars would be greatly increased, the credit thereof seriously impaired, and the taxes chargeable and to be levied in the said city upon the property of your orators and their fellow citizens will be greatly augmented.

Beside, if these acts affect city property at all, it must be through taxation for the specified roads are not to touch the city nor to "take" an inch of its property, within the meaning of the tenth section of the bill of rights. Taking private property and applying it specifically to a public object, is one thing—assessing property with public taxes according to a predetermined standard, is quite another thing. These acts mean the latter and not the former, if their words be regarded; if the interpretation of the complainants be received, or if the distinctions of the constitution between *eminent domain* and taxation be not obliterated.

Considering, therefore, these acts of Assembly as providing for objects which are to be attained through taxation, I next proceed to notice briefly the principles on which the constitutionality of such legislation is to be tested.

The striking peculiarity in the civil and political condition of the people of this country, is that they live under the jurisdiction of two separate and distinct governments; both formed by themselves; and the powers of each limited by written Constitutions. The people of Pennsylvania, made absolutely free, sovereign and independent on the fourth day of July, 1776, settled for themselves a frame of government which, as modified in the present Constitution, organizes the various departments of a republican government, Legislative, Executive and Judicial; and vests in them, not specific and enumerated powers, but *Legislative power*, *Executive power* and *Judicial power*. Whatever in the nature of these three governmental powers (and for their nature we must refer ourselves to the principles of political science) belongs to these departments respectively, but not without limitations. The Bill of Rights is a series of reservations, out of the powers granted to those departments, and concludes with a solemn declaration in these words: "To guard against transgressions of the high powers which we have delegated we declare that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate." The primary question, therefore, that arises upon the constitutionality of an act of Assembly, are first, is it in the nature of Legislative power, and secondly, does it trench upon any of the reservations in the Bill of Rights? If the first of these questions can be answered affirmatively, and the other negatively, the resulting conclusion is that the act is constitutional. So far in regard to the State Constitution.

The *Federal Constitution*, sprung from the experienced necessities of the States of the Confederacy, and was formed out of the powers *specifically granted and enumerated* by the people. To the extent of the powers granted, this instrument restrains the Sovereignty of the States, but the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the people." Because the people are more largely represented in the State Government than in the National; and because the powers granted to the Federal Government are in derogation of State rights, the rule of strict construction, as applied to these grants, is obviously conservative and just, though not universally admitted.

The people are the sources of all political powers. They enumerate those they *grant* to the Federal government and those they *reserve* from the State Government. The Legislative power of the State extends to all subjects, properly

legislative, not found in one or the other of these enumerations, and the only question additional to those already stated, that can arise on the Constitutionality of a State law, is, does it contravene the grants in the Federal Constitution?

But this question need not be considered here, for in all that has been said against these acts of assembly, they have not been charged with contravening any of the grants in the Constitution of the United States.

Recurring therefore, to the questions stated, I proceed to enquire first, whether these acts of Assembly are according to the nature of Legislative power.

That taxation is a legislative power, has never been questioned in this country. In despotic governments, it is usurped by the supreme executive, and in the limited monarchy of Great Britain, it has sometimes been exercised by the king, but always with popular discontents; and in the instance of Charles the first, to the loss of his head. The people have long since regained this right, and it is now vested in parliament.

Here it was claimed for our colonial Legislatures against the legislative body of the mother country, where we were unrepresented, and as soon as the people became free, they brought it as near home to themselves as possible, by providing in all their constitutions, that *revenue bills* should originate in the House of Representatives, where they are most largely and directly represented. Yet there is nothing about this power in our Constitution, except what is impelled from the provision just referred to. Government presupposes the power of taxation, and cannot exist without it; and because it is not denied in the bill of rights, it is granted in the general grant of Legislative power. In the Federal Constitution it is expressly given to the Legislative body. This indicates at once, the distinction of the theory of the two constitutions, and the sense of the country that it is a legislative power.

But it is said that this power cannot be delegated. Strictly speaking, none of the powers of government can be delegated. They are vested in co-ordinate departments, to be *exercised*, and without the right of *transfer*. But the Legislature may provide *agencies* through whom to exercise the power of taxation, and that is not properly called a delegation or transfer of the power, which is merely an exercise of it through a suitable agent. Accordingly from the beginning of our government, the Legislature have divided the State into counties, townships, school districts, boroughs and cities, and have provided for the appointment or election of certain tax officers, in their respective localities, and have authorized them to assess, collect, and apply taxes. This has been, not so much a *delegation* of the power of taxation to those municipal divisions, as the *exercise* of it through and by means of chosen agencies. In exact accordance with this kind of legislation which having been coeval with the constitution, affords the best interpretation of it, these acts of Assembly authorize one of the municipal districts of the State "to make provision for the payment of the money borrowed, as in other cases of loans to said city." Was this a *delegation* of the Legislative function?—How could the Legislature make provision for the repayment of the borrowed money, as in other cases of loans to said city? Their faculties are all Legislative. They have no executive power, and the Constitution and habits of this body, unfit them for applying rules which it is their province to prescribe. They are obliged to act through chosen agencies when providing for the revenues of the State. State taxes, the internal employment system, common schools, and all State objects, have to be entrusted to agents, though the *power* that controls them resides in the Legislature. In the same manner, when the Legislature would tax the citizens of the city of Philadelphia, to build the railroads in question, they must use the hand of some agent, and whose could be more wisely selected than that of the "constituted authorities" of the city? And even that hand is not forced to the work, but

employed only with the consent of the body to which it belongs—a circumstance which indicates the moderation of legislative power. But the objection most insisted on, has reference, not to the legislative power of taxation, nor to the agencies called in aid of its exercise, but to the *objects* and *purposes* to which it is applied. These are to construct railroads outside of the geographical limits of this city. Whilst the constitutional power of the Legislature, to create, renew and extend the charters of municipal corporations is admitted, it is maintained that *municipal administration* is the only purpose for which they exist; and it is denied that legislative power can tax them for any other.

By subscribing to the stock of these railroad companies, the city of Philadelphia will become a member of the companies. They are private corporations.] Intending to become common carriers; they will assume large responsibilities a share of which must fall on each corporator. The enterprise is costly and hazardous, and may result in great pecuniary profits, or in disastrous losses. Is it a municipal purpose? Does it come within the circle of objects which municipal corporations were designed to accomplish? Without going into the history and common law of such corporations, I unhesitatingly answer these questions in the negative. There is no congruity between such an enterprise and the legitimate purposes of municipal corporations. They were designed to regulate the internal affairs of the places in which they were located. Police, Health, Streets, Lanes, Alleys, and the like are the appropriate subjects of municipal administration, and though a city may go beyond its boundaries to purchase necessities of its existence, safety and comfort, yet its jurisdiction is properly exercised only within its territorial limits, and on subjects than pertain to its domestic economy and well being. Railroads to connect distant points of country—to develop physical resources, and to promote commerce are great public bene factions and emphatic expressions of the energies of an age distinguished for activity and bold adventure. But they come not within, or near to that class of objects, which we have been taught to consider as municipal purposes. Yet when the Legislature enables a city to lend a hand to such enterprises, where is the constitutional provision, which the Judiciary can say is violated? The power of taxation is unrestrained in the Constitution, both as to extent and purpose. Municipal corporations are not defined in the Constitution, nor in any general statute. If we go to the Common Law, that teaches us, they may be formed by a prescription, by statute, or by royal charter and that their ordinary purposes are such as I have indicated, but it imposes no restraints on Legislative power in respect to them. On the contrary, a learned writer informs us that "in England the Legislature has not often exercised the power of creating municipal corporations, because it has been esteemed a flower of the prerogative.—Where the ordinary regulations alone are necessary, the King incorporates, by charter, but when it is thought proper to invest the intended body with *extraordinary* power or privilege, the aid of Parliament is necessary." Again, "the statute may invest the body with powers contrary to the general rules of law, but they must be granted in clear and unambiguous words." Again, he says "it is quite unnecessary to say what privileges may be granted, or regulations prescribed to a corporation by an Act of Parliament, for the power of the Legislature in this respect cannot be defined. (Willcock on Municipal Corporations, Sec. 10, 12 and 226.)

Without saying that with us, this power *cannot* be defined, it must be admitted it has not been. The people alone, are competent to set bounds to a clearly granted and unquestionable power. The judiciary cannot assign limits to that which the people have decreed shall be unlimited. If they could, the judiciary would be the only real power in the state and might hinder the most salutary legislation. Are we to set aside these enactments because they do not harmonize with our ideas of municipal purposes? This is the most solid ground to which we have been pointed, but is not strong

enough to sustain a decree. I have no doubt of the right and duty of the judiciary to declare a law unconstitutional, when it clearly contravenes any of the provisions of the State, or Federal Constitutions, but it is a power to be exercised with great caution. For nearly fifty years of our political existence, under the Constitution of 1790, no act of Assembly was set aside for unconstitutionality.—Judges claimed the power, and said they would exercise it in clear cases, but in all that period, no case arose, which in their judgment, was clear enough to justify the exercise of the power, and it is well known that that great light of this Bench, so recently extinguished, stood opposed, for many years, to the *existence* of any such Judicial power. Since the Constitution of 1838 was adopted, several acts of Assembly have been declared unconstitutional, but they were all clear cases. When the Legislature disregards the distribution made by the powers of government, among the three co-ordinate departments—or the reservations of the Bill of Rights—or the grants to the government of the United States; the Judiciary, whose office it is to expound the law, may, and I hold are bound to declare the act unconstitutional and void. — But on lower ground than this, and especially on ground so low, as the equivocal and undefined purposes of municipal corporations, acts of assembly have never been declared unconstitutional. It was said in the argument, and authorities were exhibited to prove that the constitutionality of legislation, similar to this we are considering, has been asserted in seven States of the Confederacy. These concurring opinions of the Courts around us, sitting under State Constitutions similar in their structure to ours, are entitled to great respect, and seem to show that the corrective of this species of legislation, novel as it unquestionably is, and pernicious, as many believe, is with the people, and not with the courts.

The power of Legislation by Representatives of their own choosing, is one of the invaluable privileges of the people. It is this which makes them a free State. This is self government—the best of all powers of government, and therefore least in need of clogs and restraints. When, through inadvertence, this power is applied to objects forbidden by the letter of the Constitution, the interposition of the judicial arm, is properly invoked. But so long as it keeps within its appointed orbit, Judges cannot interfere with its progress, without themselves departing from their proper sphere.

It remains to consider briefly the second question proposed, does this Legislation trench on the Bill of Rights. The first section of that instrument is relied on, which enumerates among the inherent and indefeasible rights of man, that of "acquiring, possessing and protecting property."

It must never be forgotten that the "Declaration of rights" as the 9th article of our constitution is called, is part of a frame of civil government, and is to be construed with reference to the whole instrument, of which it is a part. When, therefore, "the right of aquiring, possessing and protecting property," is averted it does not mean to exempt property from *taxation!* since without taxation civil government cannot exist. Nor does it mean to exempt it from the prerogative of *eminent domain*, for o right to take private property for public use, is else where expressly asserted, and without this also, government could not exist prosperously, if indeed at all.

The acquisition, protection and defence guaranteed, must be consistent with and subordinate to these first principles else one part of the Constitution destroys the other, and so the government is dissolved. I am clearly of opinion, that this section cannot be set up against a tax law. *Nor is there any clause in the Declaration of Rights, which restrains the Legislative power of taxation.* I know this may seem to some a startling proposition, but rightly considered, there is nothing alarming in it.

The great conservative principle, which lies at the base of our institutions, is popular representation, and it was, doubtless, a profound reliance on this principle, which induced the framers of our

Constitution, to plant in the Legislature, the taxing power without stint or restraint. And as the tree is best known by its fruits, so are the results of experience, the best test of political theories. In those Governments where suffrage and representation have been withheld from the masses, men and property have been taxed to support Royalty and Aristocracy in costly magnificence—to carry on wars bred by the bad passions of rule, or to construct expensive and useless works, as memorials of individual grandeur.—How different with us! Taxation by the General Government, indirectly applied, is limited to the necessities of economical administration.—Taxation in Pennsylvania, beyond the ordinary purposes of Government, has been devoted to the education of the ignorant, relief of the insane, the dumb, the blind. To the construction of highways and bridges and canals, and railroads. These are the purposes to which a REPUBLICAN GOVERNMENT, applies the power of taxation, and when so applied, it is a beneficent power. Even though incongruously blended with municipal purposes as in the instances before us it is by no means clear, it will not be productive of more good than evil. And that it will never be long perverted to injurious use, is as certain as the law of self preservation, for so long as the people rule themselves, it is impossible to anticipate that they will employ any of the powers of government, for their own oppression. The fact is, the internal improvements of Pennsylvania, ill contrived and badly managed, as in some instances they have been, have added incalculably to the material wealth of the State, and the taxation they have occasioned, if it seemed high as compared with former standards, sinks into insignificance, when compared with taxation in other countries, or with the resources of national wealth and greatness, which it has multiplied in our own. It is easy to imagine possible abuses of any unrestricted power, but the voice of our own experience (and I know no safer oracle) teaches us, that we may safely trust the interests of the future, to that form of government, which has been productive of so much happiness and prosperity in the past.

But, not to pursue the subject further, my opinion is, that upon the received principles of Constitutional construction, these acts of Assembly are Constitutional and not void, consequently that the motion for an injunction should be denied.

The Judges were divided—three in favor, and two against the constitutionality of the law. The following are the principal points taken by Judge Lewis, who dissented from the decision by the majority of the court.

1st. The proposed subscription puts the property of the citizens under the control of a private corporation, without their consent, thus depriving them of the right of protecting and possessing it under the first section of the Bill of Rights.

2d. It converts the members of a municipal government into a corporation, which has nothing governmental in its objects; and which, being bound by contract, cannot be altered, reformed and abolished at the pleasure of the people, and therefore violates the 2d section of the Bill of Rights.

3d. It puts the property of the people, without their consent, where it cannot be any longer protected by free and equal votes—but where property has more votes than men—and thus violates the 8th section.

4th. It deprives the citizen of his property without a trial by his peers, or due proofs of law, and thereby violates the 8th section.

5th. It takes the property of the citizen without just compensation, and is therefore a usurpation of power not delegated, and also a violation of the 10th section.

6th. It deprives the citizen of land secured to

him by patents, deeds and other contracts, and so violates the 17th section.

7th. No compensation is paid or secured in advance to the individuals whose property is to be taken as proposed—in violation of the 7th act of the new constitution.

8th. The Legislature might appoint Queen Victoria, as well as the city corporation, an agent for carrying out the schemes of the plaintiffs.

The Judge concluded by observing in substance, that his views in regard to the proposed question might be old fashioned—but when the credit of the city should be exhausted—when the bonds about to be given by the corporation should become due and payable, when the railroad excitement should subside—the rich impoverished, and the poor driven to destitution, when the citizens should become the bondsmen of a private corporation, he should have the melancholy satisfaction of having endeavored to avert such calamity.

Judge Lewis concurred with this dissenting opinion—but the majority of the court decided in favor of the legality of the municipal subscriptions, and denied the injunction.

#### Railroads Terminating at Cincinnati.

The Cincinnati Price Current, in its annual review of the trade and commerce of that city gives the following notice of the railroads in progress and operation terminating in that city:

#### RAILROADS IN OPERATION.

*Little Miami.*—The business on the Little Miami railroad has continued to increase, both as regards freight and passengers. The company are now constructing a second track. The following is a comparative statement of the earnings of the road for twelve months ending July 31st:

	Passengers.	1851-2.	1852-3.
August.	23,095 65	28,777 06	
September.	27,753 72	31,992 92	
October.	20,940 76	33,143 69	
Nov.	14,935 88	25,586 51	
Dec.	12,541 39	22,881 62	
Jan.	11,708 14	23,735 44	
Feb.	12,230 94	22,745 59	
March.	17,592 73	26,982 80	
April.	21,399 57	21,416 20	
May.	23,441 81	27,629 03	
June.	24,409 34	33,106 11	
July.	27,317 82	31,184 62	
Total.	<u>237,362 75</u>	<u>329,181 59</u>	

Freight and Mails.

	1851-2.	1852-3.
August.	25,668 23	21,277 63
September.	21,421 68	23,494 01
October.	26,491 43	27,926 82
November.	28,710 09	28,292 27
December.	22,936 26	28,739 12
January.	18,229 33	26,655 98
February.	15,688 41	21,805 51
March.	21,270 07	27,098 86
April.	18,689 34	29,999 82
May.	20,905 38	23,098 04
June.	19,536 23	21,107 55
July.	18,362 78	20,382 80
Total.	<u>257,904 23</u>	<u>299,874 87</u>

This company is now working the Cincinnati & Hillsboro' road to Hillsboro', under a contract with the latter company. The Cincinnati, Wilmington and Zanesville road is also furnishing business to the Little Miami road, the former being completed from Wilmington to Morrow, on the latter.

*Cincinnati, Hamilton and Dayton.*—Business on the Cincinnati, Hamilton and Dayton railroad has also largely increased during the year, and the present condition of the road and its connection with other roads, completed and in progress, war-

rant us in predicting a further increase in the receipts during the ensuing year. We will refer to the several roads that will, when completed, contribute a large amount of business to the C. H. & D. road. The Richmond and New Castle road is expected to be finished to the latter place by the 1st of November. The Indiana Central road from Richmond to Indianapolis, will be completed by the middle of October. With both of these companies business arrangements have been made. The latter, with the road from Hamilton to Richmond will afford a railroad communication with Indianapolis and New Castle, running through the most fertile portions of our neighboring state. The Springfield and Columbus road will be open in a few weeks to London, a point on the Xenia and Columbus railroad, which will afford an outlet to Columbus. The Ohio and Indiana road will be open to the Mad River Road in October, affording an admirable connection with Pittsburgh. The Junction road from Sandusky to Cleveland will be open for travel in a few weeks. This road will be completely ballasted when open for travel, and it is said will be one of the best roads in the country. The time from Cincinnati to Cleveland by this route (via Dayton and Sandusky) will be  $8\frac{1}{4}$  or  $8\frac{1}{2}$  hours. The following statement shows the earnings of this road for the 12 months ending July 31st:

	From passengers.	1851-2	1852-3
August.	...	15,458	
September.	2,502	16,948	
October.	16,306	18,589	
November.	11,832	15,285	
December.	11,445	12,112	
January.	8,736	16,191	
February.	9,893	13,755	
March.	18,557	19,244	
April.	14,314	20,641	
May.	15,386	21,694	
June.	16,315	20,528	
July.	17,768	23,452	
	Freight & Express.	Total.	
	1851-2	1852-3	1852-4
August.	9,552	25,110	
September.	14	12,194	
October.	532	11,412	
November.	907	12,829	
December.	4,887	11,719	
January.	5,008	13,352	
February.	4,376	13,613	
March.	5,509	16,119	
April.	6,166	15,399	
May.	7,813	18,366	
June.	7,780	11,774	
July.	8,532	10,750	
Total.	61,724	151,579	365,471

*Ohio and Mississippi.*—The Ohio and Mississippi railroad from Cincinnati to Saint Louis, is progressing with decided activity and vigor—87 miles from Cincinnati west to the Jeffersonville R. R., (securing a connection with Louisville) will be opened and ready for the cars in January next.—About the same number of miles extending from St. Louis east, will be in readiness at the same time, so that early in January 1854, more than half of the work connecting the two great inland cities of the United States will be completed. The work is also well advanced on the intermediate sections, and it is the determination of the two companies to complete the entire line by January, 1855. The iron for the whole line has been purchased and is now being delivered at Cincinnati and St. Louis.

The financial affairs of the company are in a flourishing condition. The sale of the first mortgage bonds in London, by Professor Mitchell, was on the most advantageous terms—placing the securities of the company on a level with the most favored roads of this country.

The stock of the company for an unfinished road is almost without precedent in value. The last sale at the Exchange was  $98\frac{1}{2}$ , and 95 has been obtained privately. When the extraordinary

change which this road will cause in the stream of travel to and from the great West is taken into consideration, no surprise will be felt in the estimate which capitalists place upon this stock.

It now requires three to four days to pass from Cincinnati to St. Louis; when this road is completed, twelve hours only will be necessary to transport passengers over this route.

*Cincinnati and Marietta.*—The Cincinnati and Marietta railroad is progressing rapidly. It is ready for the iron from Chillicothe to Greenfield, and from the latter point to Blanchester the work will be proceeded with without delay. From Chillicothe eastward the road will be ready for the track by the first of November. The increase of stock subscriptions during the year is \$1,722,000, which added to former subscriptions make a total basis of \$8,717,000.

The Baltimore and Ohio railroad which was opened to Wheeling in January last affords a new route to the eastern seaboard for freight and passengers. This road will be prepared to transport the coming winter from the west, five hundred to six hundred tons of produce daily. The running time for freight trains is thirty-one hours from Wheeling to Baltimore, and in connection with the Union line of steamers on the Ohio river, property may be carried from Cincinnati to any of the eastern markets in five to seven days. It is confidently expected that the company will modify the present freight tariff. This would secure to the road a very large portion of the Western trade.

*Cincinnati Western.*—The Cincinnati Western railroad, runs from Cincinnati in a northwestern direction, to the western line of the state, where it connects with the Cincinnati, Cambridge and Chicago road, running from the State line, via Cambridge, to New Castle, Ind. The distance from Cincinnati to New Castle is 73 miles. The whole line is under contract to A. DeGraff & Co., who agree to make the road ready for the cars by the first of October, 1854. A large force is now at work along the whole line, and thirteen miles of the track will be laid during the ensuing fall.

*Covington and Lexington.*—The work on the Covington and Lexington railroad, is progressing rapidly. The cars are now running a distance of 20 miles from Covington. We hoped to be able to present full particulars relative to the condition of this company, both present and prospective, but having been disappointed by a gentleman connected with the road who promised to furnish the information, we are compelled to pass it with this brief notice.

The following roads are under the charge of E. Gest, Esq., as engineer, by whom the following statement of their condition was forwarded to the Price Current:

"1st. The *Dayton and Cincinnati (Short Line)*, extending from Broadway and Court streets, Cincinnati, through Reading, Sharon, Chester, Middletown, Franklin, Miamisburg, Carrollton and Alexandria, to Dayton. Length 52½ miles; maximum grade 39 6-10 feet; minimum radius 1910 feet. It is all under contract excepting engines and depot buildings to Messrs. Ferrell and Dunham, who have been prosecuting the work on Tunnel for about six months, and at a few points along the other portions of the road for sixty days.

"All the shafts and the north approach of the tunnel are now completed, except the arching; the south approach is about one half complete. The workmen are now engaged in excavating the heading from each end, and the shafts making at this time eight points of operation in the tunnel proper. As about five feet can be made per 24 hours, (the tunnel being driven night and day) at each point with a full working force, they can advance at the rate of about 720 feet per month hereafter, allowing 18 working days to be made, which can be readily, should the work be driven with the proper practicable force and energy. Consequently it is not only practicable, but probable, that the tunnel and entire work will be completed

in sixteen months. All doubt as to the character of the material through which the tunnel will pass that may heretofore have existed, is now removed, and it is now certain that nothing but indurated marl with a few layers of limestone will be encountered; affording probably the least difficult material to tunnel through that is to be found. The length of actual tunnelling is 8000 feet; which with arched approaches of 2,000 feet will make the total length of arch or tunnel when completed 10,000 feet, or about 1 9-10 miles.

"The company is amply prepared with means to complete the work, as they have over \$800,000 of available subscriptions to its capital stock, and parties stand ready to take up the remaining \$200,000 if required. The whole cost of the work with its necessary real estate, buildings and machinery, including a liberal allowance for discount and interest will not vary far from \$2,400,000.

"2d. The Cincinnati, Lebanon and Xenia, and the Xenia and Delaware roads—although operating under two charters, yet in fact are but one interest. The names of the several places in the title indicate its route. It is now under contract to Messrs. Van Horn, Williams and Buchanan from this city to Xenia, a distance of 52 miles; a large amount of grading has been done between Lebanon and Mason. From the latter place to this city will be commenced this week, and from Lebanon north to Delaware in time to secure the completion of the entire road by the winter of the coming year. When completed, the distance to Xenia will be about twelve miles less than by the Little Miami road, or to Delaware about 28 miles less than by the latter route in connection with the Columbus and Cleveland road. The whole length will be about 112 miles, with favorable grades and curves. Its subscribed and pledged means are considered ample for its construction. It is the intention to extend it to Cleveland, and arrangements are partially completed for so doing. It is supposed to be tributary to the Dayton Short line; should however, arrangements not be made with that company, it will enter the western part of the city, via the valley of Mill Creek, and connect directly with the Ohio and Mississippi road. The total cost, if it enters Cincinnati on an independent line, including depots, building stock, real estate, discount and interest, etc., will not be far from \$3,000,000.

"3d. Is the Cincinnati and Fort Wayne railroad which will pass through Hamilton, Rossville, Dunton, Oxford, Fair Haven, Richmond, Newport, Winchester, Camden and Bluffton, to Fort Wayne, Indiana,—total length, one hundred and forty-nine miles—maximum grade, 39 6-10 feet—minimum radius of curvature 1910 feet. It will be a superior road, of cheap and easy construction with the exception of 20 miles, and can be worked rapidly and economically, by being unusually straight with but a moderate amount of maximum grade. Although operating under three charters, yet it is one interest and under one control. It was recently let to a heavy capitalist to be completed within 2 years—for the sum of \$4,500,000. The terms of the contract require it to be constructed and equipped in the most ample manner, with the best of machinery, station houses, and other conveniences, etc., necessary to make it a complete and perfect railroad, equal in every respect to the best roads in the U. States.

"About all the means required by this road, to meet the terms of the contract, have been procured; consequently, there is nothing to prevent its certain and early completion. This road was originally intended to reach Cincinnati over the section of the Dayton Short Line, lying south of Sharon—but no arrangement with that company has been made, and it is possible that it will be built into the city on an independent line, via, the valley of Mill Creek, should not an arrangement be made with the Cincinnati, Hamilton and Dayton Company to build along side of their track south of Hamilton.

"From Fort Wayne south to Winchester, for 61 miles, the road is expected to be finished and in operation by the 1st of July of next year—and from thence to the city by the fall of the year

following. The Company intend at the earliest day, to extend the line northerly, to the Central Michigan road, if not to the Mackinaw Straits—consequently, this road will be a fruitful tributary to the business of Cincinnati, as it will be a long line, passing through a country susceptible of the highest cultivation, and through its connections with the Central Indiana at Richmond, the Indiana and Bellefontaine at Winchester, the Wabash Valley, Ohio and Indiana, and Fort Wayne and Chicago Railroads at Fort Wayne, and the Northern Indiana and Central Michigan Railroads, receive an auxiliary traffic not surpassed by any road in the west; and through it and tributaries will be distributed a larger amount of the Groceries and Merchandise of Cincinnati, as well as be poured into Cincinnati a larger amount of produce, than over any other road radiating therefrom.

"4th. The Fort Wayne, Lacon and Platt River Valley Railroad, which extends from Fort Wayne, Indiana, on nearly a due west line through Lacon on the Illinois river, New Boston on the Mississippi river, to Council Bluff at mouth of Platt on the Missouri river, for a distance of about five hundred and sixty miles. About two and a half millions of dollars is subscribed, or pledged towards its construction, and it is expected to be put under contract this fall—and with its extension due east into Pennsylvania, with a branch to Ruffalo, is destined at no distant day to take a position among Railroads second to none in the country, and will prove a powerful auxiliary to the Cincinnati and Fort Wayne Road, and those having connections with it."

#### The Northern Route to the Pacific--- Letter from Gov. Stevens.

The following letter from Major Stevens of the exploring party which is surveying the Northern Pacific route, under the instructions of the government, from Rainy Lake to Puget Sound, will be read with interest. It will be seen that Gov. Stevens is highly pleased with the country over which he has passed, and is sanguine of being able to find an expeditious route through the mountains.

*Fort Union, Mouth of the Yellow Stone, Aug. 7, 1858.*

*Messrs. Editors*—Our express to the settlements will leave here, via the Missouri, to St. Louis in a day or two, and I avail myself of the opportunity to write to you. We are now over what I regard as the most troublesome half of our route, about twenty-five days march east of the Rocky mountains, and in excellent condition to accomplish the labors of the survey.

From this point the command will proceed to Fort Benton in two parties. One carrying the supplies for the route west of that place, will take the route usually travelled and known as the Milk River route, under my own personal direction with Lieut. Grover, a most efficient officer, who has rendered valuable service in the work in charge of scientific details. The other with the chief scientific force, will, under Lieut. Donelson, pursue a route some fifty miles to the northward, in which the most prominent landmark is Cypress Mountain, the source of streams flowing into both the Saskatchewan and Missouri rivers, and said to be a favorite resort of the Blackfeet Indians on account of the loveliness of its features and scenery. By small, strong detached parties, reconnoisances will be extended to both sides of the line taking in a wide breadth of country. Both trains will reach Fort Benton by the 3d or 4th of September.

I am able to report at this point that thus far our labors have been attended with the most satisfactory results, fully reaching the most sanguine expectations.

The party who came from the head waters of the Mississippi have made a thorough exploration of the valley of the Shyame river, the tributaries of the river Jacques, the Mouse river valley and the Grand Coteau de Missouri. To this is

added the survey of the country north of the Missouri to the Porcupine river, as high as the 49th parallel. Lieut. Donelson, who had charge of a small party who came up the Missouri, has made an admirable survey of that river, and has collected sufficient data to enable him to make an elaborate and interesting report on its navigability.

My command now are in an admirable condition—a body of men to whom I have become attached, and who are now assigned to their appropriate fields of labor. It took much time, and was a matter of much study to learn how to make the best use of the "materiel" of the party to secure the greatest amount of usefulness, and at the same time to be agreeable to each individual. That problem is now solved. Another difficulty existed in the state of the animals at our early start. Those which had been collected were a fine body of animals in appearance, healthy looking and strong, but mostly only three or four years of age. The first 150 miles were required in breaking them and at the end of that time they were wounded, galled and sore. At Pike Lake, about 170 miles from St. Paul's, which we left on the 25th of June, 30 were entirely unserviceable. With this incubrance, the balance more or less ailing, grass fed, we have worked our way along, patiently looking after our sore animals, and regulating our marches so as to spare the others. It is my pleasant pride to be able to write that we reached this post (a distance of over 725 miles in the direct line by odometer measurement) on the morning of the first August, with only two mules unfit for service, and all fat and in good condition. In that march we have had some very severe sloughs to cross—rivers have had to be forded—coules, so wearing on the animals have presented themselves—and our general march has been a continued ascent, we being now by barometrical measurement some eleven or twelve hundred feet above Fort Snelling. Two rivers, the Wild Rio and Shyconne, had to be bridged, some 12 or 15 days were occupied in delays, and yet we have accomplished the labors alluded to, together with a great mass of side work, to which only the space allotted to an elaborate report can refer.

From the 7th of July up to this point we have daily met with Buffalo, and our hunters have amply supplied us with fresh meat equal in all respects to the "show beef" of the eastern cities. In most instances the wagons have not been obliged to go half a mile out of the way to pack it. It seemed as though they had but to step out into the big drove yard before us, single out the animal designed for the sacrifice, and in less than an hour the choice pieces were in our wagons. I had heard much of the immensity of these herds of living flesh which roam over these plains. Till I saw them I could not realize the scene. Never will I forget the sight on Sunday, the 10th July. We had moved forward some ten miles, designing to encamp on Lake Jessie—the timber bordering which was in sight. We ascended a high hill, before us and on all sides, were the countless herds, moving like the undulations of the sea. Every square mile seemed to have a different herd upon it—and this continued as far as we could see. Between us and our intended camping place—to use a figurative expression—it looked as though we should have to cut our way through. Drawing the train up at our usual mid-day halt, I despatched our six hunters finely mounted on their buffalo chargers,—horses reserved especially for that purpose,—and moving off easily till near the herds, dashed in amongst them, rode around them, separated the fattest cows, and shot after shot did their execution. In little more than an hour our wagons were loaded with the choice pieces of fine buffalo cows—and all had the opportunity of witnessing a "buffalo hunt."

We met here on the prairies the trading party from Pembina, on their annual trip to St. Paul, with their furs, meat, pemmican, etc. We also met the two Red River hunting parties, one numbering some 1300 persons from the American settlements near Pembina—the other from the British settlements near Selkirk, consisting of over 2,

000. The brief space allotted to me in this sheet will not permit a lengthier notice. I would only say that sufficient data and information are collected to make a long report. I subsequently met and had a very interesting "talk" with a large encampment of Assinibonies Indians, numbering some 140 lodges. We spent the larger portion of a day in their camp—collected much valuable information as to their modes of life, traditions, locality, etc., which I shall give a place in the report of the expedition.

We shall leave Fort Benton by mid-September, from which point we will have another opportunity to communicate with the states before crossing the mountains. I may at that time embrace another opportunity to send you a few lines.

I am, very truly, etc.  
ISAAC J. STEVENS.

## American Railroad Journal.

Saturday, September 17, 1853.

### Fort Wayne and Chicago Railroad.

We give in another column the exhibit of this company, which sets out with sufficient distinctness its condition and objects. It is the last link in the great Central chain stretching from Philadelphia through Central Ohio and Northern Indiana to Chicago. All the others are completed, or nearly so, and all stand high in public estimation. All the links are complements of one line, and we see no reason why the above should not prove equally profitable with the others. Such is our conviction. It traverses an excellent section of country, in the convenient direction for both the *through* and *local* trade, and upon a route remarkable for its cheapness and directness. For Central Ohio it must form by far the shortest route to Chicago, and nearly as short as any other between that city and Cleveland. The management of the company is in good hands. The work of construction is progressing rapidly, and will be carried forward with great dispatch. We believe the bonds offered to be *first class* western securities.

### Louisville and Nashville Railroad.

This road the main stem of which extends from Louisville to Nashville, a distance of 180 miles, is making very rapid and satisfactory progress. The means of the company appear to be ample. The Stock subscriptions amount to \$4,085,000 as follows:—

City of Louisville.....	\$1,000,000
County of Hardin.....	300,000
" Hart.....	100,000
" Warren.....	300,000
" Logan.....	300,000
" Simpson.....	100,000
" Sumner.....	300,000
" Davidson.....	300,000
Total corporate subscription.....	\$2,700,000
Individual subscription.....	950,000
Interest on subscription applicable to construction.....	485,000
To be raised on sale of Bonds.....	\$4,085,000
	2,800,000
Total.....	\$6,885,000

The work of construction was commenced Jan. 1853. By the terms of the contract, 30 miles are to be opened by the 1st of Jan. 1854, and the whole line by the 1st of Nov. 1855. The iron for the whole line has been purchased, and is to be of American Manufacture. We learn that the compound, or Winslow, rail, is to be used. An ample

### Railway Share List, Compiled from the latest returns—corrected every Wednesday—on a par valuation of \$100.

NAME OF COMPANY.	Miles open.	Capital paid in.	Funded debt.	Tot. cost of road and equipm't.	Gross Earnings for last official year.	Net Earnings for last official yr.	Dividend for do.	Price of Shares.
Atlantic and St. Lawrence... Maine.	150	1,538,100	2,973,700	5,150,278	254,748	113,520	none	85
Androscoggin and Kennebec.. "	55	809,978	1,016,500	2,064,458	140,561	80,063	none	36
Kennebec and Portland.... "	72	876,741	800,000	2,180,000	133,338	.....	none	45
Port, Saco and Portsmouth.. "	51	1,355,500	123,884	1,459,384	208,669	.....	6	100
York and Cumberland..... "	20	285,747	841,100	713,605	23,946	11,256	none	40
Boston, Concord and Montreal. N. H.	93	1,649,278	622,200	2,540,217	150,538	79,659	none	25
Concord..... "	35	1,485,000	none.	1,485,000	305,805	141,836	8	108
Cheshire..... "	54	2,078,625	720,900	3,002,094	287,768	55,266	5	48
Northern..... "	82	3,016,634	.....	.....	328,782	163,075	5	55
Manchester and Lawrence.... "	24	717,543	.....	.....	.....	.....	6½	90
Nashua and Lowell..... "	15	600,000	none.	651,214	132,545	51,513	8	109
Portsmouth and Concord..... "	47	.....	.....	1,400,000	.....	.....	none	.....
Sullivan..... "	26	.....	.....	673,500	.....	.....	none	20
Connecticut and Passumpsic. Vt.	61	1,097,600	550,000	1,745,516	.....	.....	none	40
Rutland..... "	120	2,486,000	2,429,100	5,577,467	495,397	266,589	none	30
Vermont Central..... "	117	8,500,000	3,500,000	12,000,000	.....	.....	.....	14½
Vermont and Canada..... "	47	1,500,000	.....	1,500,000	Leased to	the Vt. C ent.	101	.....
Western Vermont..... "	51	392,000	700,000	.....	Recently opened	none	.....	.....
Vermont Valley..... "	24	.....	.....	.....	.....	.....	none	.....
Boston and Lowell..... Mass.	28	1,830,000	.....	1,995,249	388,108	130,881	7½	96
Boston and Maine..... "	83	4,076,974	150,000	4,092,927	659,001	338,215	7	105
Boston and Providence..... "	53	3,160,390	390,000	3,546,214	469,656	227,434	6	86
Boston and Worcester..... "	69	4,500,000	425,000	4,845,967	758,819	331,296	7	101
Cape Cod branch..... "	28	421,295	171,800	638,906	60,743	30,056	2½	40
Connecticut River..... "	52	1,591,100	198,500	1,801,946	229,004	72,028	5	55
Eastern..... "	75	2,850,000	500,000	3,120,391	488,793	241,017	7½	92
Fall River..... "	42	1,050,000	none.	1,050,000	229,445	99,589	8	104½
Fitchburg..... "	66	8,540,000	112,305	8,623,073	574,574	232,787	6	97
New Bedford and Taunton.... "	20	500,000	none.	520,475	164,230	43,950	7½	117
Norfolk County..... "	26	547,015	819,743	1,245,927	67,251	23,415	none	60
Old Colony..... "	45	1,964,070	282,300	2,293,534	322,213	101,510	none	94
Taunton Branch..... "	12	250,000	none.	307,186	137,406	24,399	8	.....
Vermont and Massachusetts..... "	77	2,140,536	1,001,500	3,203,333	218,679	18,648	none	17
Worcester and Nashua..... "	45	1,134,000	171,210	1,321,945	162,109	66,900	4½	59½
Western..... "	155	5,150,000	5,319,520	9,958,759	1,339,873	683,194	6½	98½
Stonington..... R. I.	50	.....	.....	.....	.....	.....	63	.....
Providence and Worcester.... "	40	1,457,500	300,000	1,731,498	253,690	139,514	6	.....
Canal..... Conn.	45	.....	.....	.....	.....	10	.....	.....
Hartford and New Haven.... "	62	3,000,000	472,000	.....	600,408	332,223	none	126
Housatonic..... "	110	.....	.....	2,500,000	329,041	168,902	none	.....
Hartford, Prov. and Fishkill.. "	50	.....	.....	In progres	69,629	.....	none	.....
New London, Wil. and Palmer.... "	66	558,861	800,000	1,511,111	114,410	.....	.....	.....
New York and New Haven.... "	61	8,000,000	1,641,000	4,978,487	806,718	428,173	7	104
Naugatuck..... "	62	926,000	440,000	.....	.....	.....	.....	.....
New London and New Haven.... "	55	750,500	650,000	1,380,610	Recently opened.	none	45	.....
Norwich and Worcester.... "	54	2,121,110	701,600	2,596,488	267,561	116,965	4½	55
Buffalo and New York City.... N. Y.	91	900,000	1,550,000	2,550,500	Recently opened.	none	85	.....
Buffalo, Corning and N. York.... "	132	.....	.....	In progres	.....	.....	65	.....
Buffalo and State Line..... "	69	879,636	872,000	1,921,270	Recently opened.	.....	180	.....
Canandaigua and Niagara F.... "	50	.....	.....	In progres	.....	.....	.....	.....
Canandaigua and Elmira.... "	47	425,509	582,400	987,627	76,760	39,360	none	68
Cayuga and Susquehanna.... "	35	687,000	400,000	1,070,786	74,241	23,496	none	.....
Erie, (New York and Erie).... "	464	9,612,995	24,003,865	31,301,806	3,537,766	1,691,623	7	81
Hudson River..... "	144	3,740,515	7,046,395	10,527,654	1,068,659	338,788	none	71
Harlem..... "	130	4,725,250	977,463	6,102,935	681,445	324,494	5	56
Long Island..... "	95	1,875,148	516,246	2,446,391	205,068	44,070	.....	32½
New York Central..... "	504	22,858,600	2,111,824	.....	.....	.....	.....	114
Ogdensburg (Northern).... "	118	1,579,969	2,969,760	5,133,834	480,137	195,847	none	32
Oswego and Syracuse.... "	35	350,000	201,500	607,803	90,616	43,609	4	70
Plattsburgh and Montreal.... "	23	174,042	181,000	349,575	Recently opened.	none	.....	.....
Rensselaer and Saratoga.... "	25	610,000	25,000	774,495	213,078	96,737	.....	.....
Rutland and Washington.... "	60	850,000	400,000	1,250,000	Recently opened.	.....	.....	.....
Saratoga and Washington.... "	41	899,800	940,000	1,832,945	178,545	135,017	none	30
Troy and Rutland.... "	32	237,690	100,000	329,577	Recently opened.	.....	33	.....
Troy and Boston.... "	39	430,936	700,000	1,048,357	Recently opened.	none	.....	.....
Watertown and Rome.... "	96	1,011,940	650,000	1,693,711	225,152	116,706	8	100½
Camden and Amboy.... N. J.	65	1,500,000	.....	4,327,4°	1,388,385	478,413	10	150
Morris and Essex.... "	45	1,022,420	128,000	1,220,325	149,941	79,252	4	.....
New Jersey..... "	31	2,197,840	476,000	3,245,720	603,942	316,259	10	148
New Jersey Central.... "	63	986,106	1,500,000	2,379,880	260,899	124,740	3½	.....
Cumberland Valley.... Penn.	56	1,184,500	18,000	1,265,143	118,617	76,890	5	.....
Erie and North East.... "	20	600,000	.....	750,000	Recently opened.	.....	125	.....
Harrisburgh and Lancaster.... "	36	783,950	688,051	1,609,494	200,249	106,932	8	.....
Philadelphia and Reading.... "	95	6,656,322	10,427,800	17,141,987	2,480,626	1,251,987	7	84
Phila., Wilmington and Balt., "	98	8,850,000	2,408,276	6,818,889	677,785	883,601	5	77½

## Railway Share List,

Compiled from the latest returns—corrected every Wednesday—on a par valuation of \$100.

NAME OF COMPANY.	Miles open.	Capital paid in.	Funded debt.	Tot. cost of road and equipm't.	Gross Earnings for last official year.	Net earnings for last official yr.	Dividend for do.	Price of shares.
Pennsylvania Central..... Penn.	250	9,768,155	5,000,000	13,600,000	1,943,827	617,625	....	98
Philadelphia and Trenton..... "	30	.....	.....	.....	.....	.....	.....	110
Pennsylvania Coal Co..... "	47	.....	.....	.....	.....	.....	.....	.....
Baltimore and Ohio..... Md.	381	9,188,300	9,827,123	19,542,307	1,325,563	615,384	7	61
Washington branch..... "	38	1,650,000	.....	1,650,000	348,622	216,237	8	....
Baltimore and Susquehanna..... "	57	.....	.....	.....	413,673	152,536	....	....
Alexandria and Orange..... Va.	65	.....	.....	In prog.	.....	.....	.....	....
Manassas Gap..... "	27	.....	.....	In prog.	.....	.....	.....	....
Pittsburgh..... "	64	.....	.....	.....	.....	.....	.....	....
Richmond and Danville..... "	73	1,372,324	200,000	In prog.	.....	.....	.....	....
Richmond and Petersburg..... "	22	685,000	.....	1,100,000	122,861	74,113	none	....
Rich., Fred. and Potomac..... "	76	1,000,000	503,006	1,531,238	254,376	113,256	7	105
South Side..... "	62	1,328,722	800,000	In prog.	.....	.....	.....	....
Virginia Central..... "	107	1,400,100	446,036	In prog.	176,485	74,902	none	....
Virginia and Tennessee..... "	60	3,000,000	1,500,000	In prog.	.....	.....	none	....
Winchester and Potomac..... "	32	180,000	120,000	416,532	89,776	.....	12	....
Wilmington and Raleigh..... N. C.	161	1,338,878	1,134,698	2,965,574	510,038	153,898	6	....
Charlotte and South Carolina. S. C.	110	.....	.....	.....	.....	.....	.....	....
Greenville and Columbia..... "	140	1,004,231	300,000	In prog.	.....	.....	.....	....
South Carolina..... "	242	3,858,840	3,000,000	7,002,396	1,000,717	609,711	7	125
Wilmington and Manchester..... "	.....	.....	.....	In prog.	.....	.....	.....	....
Georgia Central..... Ga.	191	3,100,000	306,187	3,378,132	945,508	508,625	8	115
Georgia..... "	211	4,000,000	1,214	.....	934,424	456,468	7½	....
Macon and Western..... "	101	1,214,283	168,000	1,596,283	296,584	153,697	9	109
Muscogee..... "	71	.....	.....	In prog.	.....	.....	.....	....
South Western..... "	50	586,887	150,000	743,525	129,395	71,535	8	....
Alabama and Tennessee River Ala.	55	.....	.....	In prog.	.....	.....	.....	....
Memphis and Charleston..... "	98	776,259	400,000	In prog.	.....	.....	.....	....
Mobile and Ohio..... "	33	879,868	.....	In prog.	.....	.....	.....	....
Montgomery and West Point. "	88	688,611	.....	1,330,960	178,542	76,079	8	....
Southern..... Miss.	60	.....	.....	.....	.....	.....	.....	....
East Tennessee and Georgia. Tenn.	80	825,000	541,000	In prog.	.....	.....	.....	....
Nashville and Chattanooga..... "	125	2,093,814	850,000	In prog.	.....	.....	.....	....
Covington and Lexington..... Ky.	.....	1,430,150	1,100,000	In prog.	.....	.....	.....	....
Frankfort and Lexington..... "	29	357,218	.....	584,902	87,421	44,250	....	80
Louisville and Frankfort..... "	65	.....	.....	.....	.....	.....	.....	....
Maysville and Lexington..... "	.....	.....	.....	In prog.	.....	.....	.....	....
Cleveland and Pittsburgh..... Ohio.	100	1,239,450	1,371,000	2,963,756	194,429	123,306	6	92
Cleveland, Painesv., and Ash. "	71	.....	.....	In prog.	.....	.....	.....	....
Cleveland and Columbus..... "	135	3,027,000	408,200	3,655,000	777,793	483,454	12	132
Columbus, Piqua and Indiana. "	46	.....	.....	2,000,000	.....	.....	98	....
Columbus and Lake Erie..... "	61	.....	.....	.....	.....	.....	.....	....
Cincinnati, Ham., and Dayton..... "	60	1,694,000	906,000	2,600,000	321,793	200,967	....	106
Cincinnati and Marietta..... "	.....	40	310,000	550,000	In prog.	.....	72	....
Dayton and Western..... "	20	.....	.....	925,000	Recently opened.	....	80	....
Dayton and Michigan..... "	36	.....	.....	In prog.	.....	.....	70	....
Eaton and Hamilton..... "	31	.....	.....	.....	.....	.....	.....	....
Greenville and Miami..... "	37	.....	.....	In prog.	.....	.....	.....	....
Hillsboro..... "	84	2,370,784	.....	2,634,157	526,746	314,670	10	119
Little Miami..... "	.....	900,000	1,000,000	1,855,000	.....	.....	.....	....
Mansfield and Sandusky..... "	167	2,387,200	1,767,000	4,110,148	540,518	113,401	....	95
Mad River and Lake Erie..... "	57	.....	.....	In prog.	.....	.....	.....	97
Ohio Central..... "	.....	187	1,750,700	2,450,000	.....	Recently opened.	....	....
Ohio and Mississippi..... "	.....	.....	.....	In prog.	.....	.....	.....	....
Ohio and Pennsylvania..... "	.....	.....	.....	"	.....	.....	.....	....
Ohio and Indiana..... "	.....	.....	.....	"	.....	.....	.....	....
Scioto and Hocking Valley..... "	.....	87	552,000	800,000	1,317,140	Recently opened.	....	....
Toledo, Norwalk and Clev'l'd	54	1,092,137	119,500	1,257,714	237,506	135,363	15	....
Xenia and Columbus..... Ind.	31	.....	.....	In prog.	.....	.....	.....	....
Evansville and Illinois..... Ind.	181	.....	.....	"	.....	Recently opened.	....	103
Indiana Central..... "	83	.....	.....	"	.....	.....	.....	....
Indiana Northern..... "	62	.....	.....	In prog.	.....	Recently opened.	....	80
Indianapolis and Bellefontaine	40	1,650,000	750,000	2,400,000	516,414	268,075	10	85
Lawrenceburg and Ind. ....	72	632,387	663,100	1,353,019	105,944	71,446	4	108
Lafayette and Indianapolis.....	282	4,000,000	4,067,396	8,614,193	.....	.....	8	110
Madison and Indianapolis.....	.....	.....	.....	.....	.....	.....	.....	....
Peru and Indianapolis.....	.....	.....	.....	.....	.....	.....	.....	....
Terre Haute and Indianapolis.....	.....	.....	.....	.....	.....	.....	.....	....
Rock Island and Chicago.....	.....	.....	.....	.....	.....	.....	.....	....
Chicago and Mississippi.....	113	2,400,000	4,000,000	4,600,000	.....	.....	.....	136
Illinois Central..... Ill.	92	1,932,361	500,000	In prog.	473,548	286,152	124	....
Galena and Chicago..... Mich.	315	2,499,410	2,629,000	6,430,246	592,187	293,046	124	....
Michigan Southern..... Mich.	282	4,000,000	4,067,396	8,614,193	.....	.....	.....	....
Michigan Central..... Mich.	.....	.....	.....	.....	.....	.....	.....	....
Pacific..... Mo.	.....	.....	.....	.....	.....	.....	.....	....

equipment has also been contracted for and is already in progress of construction at Louisville. The contractors are Morton, Seymour and Co.

The road is to cost about \$5,000 per mile. Ample, means are provided for the whole line. The route is one of first importance, and the road will be the leading connecting link between our Western and Southern systems of Railroad, Louisville being a great point of concentration of one, and Nashville of the other. The road too, traverses a region unsurpassed for fertility of soil and extent of productions, and capable of furnishing a lucrative support to the above road, to say nothing of its *through* business. The above is one of our first class projects, and we are happy to present such a favorable statement of the condition of its affairs.

## Stock and Money Market.

There is but little alteration to note in Wall street since our last issue. Money continues in active demand without much change in the rates. There is but little doing in securities of new works. The market for these does not improve with the advance of the season as was anticipated. The domestic means of our people are too actively employed in ordinary transactions to allow any considerable portion of them to go into railroads, as formerly. Indications are that money must continue in active demand during the fall.

There is but little change in the condition of the stock market. There is however a strong speculative movement in *Erie*, which extends to some other fancies. We presume the large holders of *Erie* are getting tired of their burdens, and are seeking to throw them upon other shoulders. There is evidently nothing in the prospects of the road, nor in the money market, to justify the large advance that has taken place, and it is due we presume, as before stated, to the spasmodic efforts of a few large holders.

The following is the bank statement for the week ending, Sept. 10:

	Sept. 3.	Sept. 10.	Increase.
Loans.....	\$91,751,886	\$91,108,887	*\$642,998
Specie.....	11,267,687	11,380,691	118,029
Circulation .....	9,554,094	9,586,886	32,242
Deposits.....	57,202,876	57,545,154	342,722

## \*Decrease.

The following Table will show the earnings of a number of Railroads for August.

	Earnings for Aug. 1853.	Do. 1852.
Michigan Central.....	\$147,753	\$88,360
Norwich and Worcester...	82,532	27,517
Mad River.....	67,312	39,923
Macon and Western.....	20,663	15,440
Hartford and New Haven.	69,286	58,029
Madison and Indianapolis.	24,700	22,600
New York and New Haven.	82,526	72,009
Saratoga and Washington.	23,724	18,535
Pennsylvania.....	236,493	149,966
Cleveland and Pittsburgh.	36,548	30,862
New York and Erie.....	403,683	313,601
Hudson River.....	130,627	79,455
Michigan Southern.....	154,063	94,030
Cin. Hamilton and Dayton.	40,085	25,011
Little Miami.....	88,495	70,102
Chicago and Rock Island.	44,482	new
Ohio and Pennsylvania...	66,930	33,945

The receipts of the Norwich and Worcester railroad for August were ..... \$27,283 65  
Same time 1852..... 24,698 00

Increase..... \$2,590 65

## Correspondence of the Railroad Journal.

DUNKIRK, SEPT. 8, 1858.

I employ the few hours I am detained here to note my observations up to this point. I took the Erie route. I find this road to be in excellent condition, and the travel over it large; five long and well filled passenger trains passing each way daily. The Express goes through in 17 hours, including all detentions at Jersey City and ferry, and at Paterson. This is effected without change of cars west of Paterson. The through freight is not large at present, although on the gain, with the commencement of the fall business. The line of boats which formerly kept the Erie freight trains full, have not been running during the present season; and the trains sometimes go out lightly loaded, but are amply filled before reaching Hornellsville, with lumber from the way stations. Immense piles are now lying beside the track, all of which, prepared during the last winter, are yet detained from market, from the incapacity of the road to carry it. The former low tariff on freight has been revised, and lumber, which has been carried as low as  $1\frac{1}{4}$  cents per ton per mile, has been subjected to a higher charge, whereby it is not feared the business of the road will be at all diminished, while the receipts will be materially increased. The Erie company have 85 powerful Freight Locomotives contracted for, which will put them in condition to do all the business that offers. The western division of the road, which has the lightest business of any, is equipped with 35 locomotives as its full complement, while 142 is the whole number employed on the entire road.

Economy and its retrenchments are taking effect under the new administration of this company. The repair department, both upon tracks and machinery, has been newly organised under a much lighter force. Of the 200 men formerly employed in the Dunkirk Engine Shop, half have been dismissed. The force retained is, without doubt, amply sufficient, being equal to that employed on most other roads, for the same extent of line and motive power.

The Dunkirk Engine Shop of the Erie company is the finest establishment of the kind in the United States. The shops and engine house occupy a rectangle of 300 by 150 ft., housing 21 locomotives, and giving room for repairing for all possible exigencies. The tools employed at this shop are wholly from the works of Gay, Silver & Co., of North Chelmsford, Mass., tool makers of deservedly high repute. The stationary engine, of 50 horse power, is from the Novelty Iron Works of New York. The shop is under the management of Mr. Albert Griswold, formerly of the Boston and Lowell railroad.

The Buffalo and State Line road, which intersects the Erie road at this place, appears to be doing a large passenger business. Four passenger trains are run each way daily. This company are having a large addition of locomotives built at Paterson, a fact indicative of an increasing traffic. All of these engines will be of large capacity and superior construction.

Three eastern built engines, destined for the west, arrived here to-day. One from Souther & Co., of Boston, for the Ohio and Indiana road; one from Seth Wilmarth, of Boston, for the Ohio and Pennsylvania road; and an engine from William Swinburne, of Paterson. The two former en-

gines, being for a gauge of 4 ft. 10 in., had to be mounted on trucks over the Central line of roads, whereby the expense of carriage is considerably increased. These engines had been seven days on their way from Boston, (a distance of 570 miles), which is considered "good time."

It appears quite singular to see iron and copper for the construction of engines ordered from the west, from 400 to 700 miles distant, and to see the same iron and copper sent back again, in the form of a finished piece of machinery. And all, we are told, because labor is higher in the west than at the east. In conversation, yesterday, with one of the oldest locomotive builders in Paterson, I was told that labor was as high in the great seat of the locomotive manufacture of the United States as in Detroit. Hands were scarce and difficult to be had, and that the cause was mostly the active competition which the establishment of so many shops in Paterson had already created. This gentleman, after an experience of over 20 years in the business, and with a year's work ordered ahead, predicts a dull time within a year or two for eastern shops. He admits fully that, with cheaper and better materials, cheaper food and fuel, and the preference caused by a local feeling, the equipment of western roads must ultimately be made in the west. It is rumored, moreover, that Paterson, already the seat of operations for four locomotive shops, is to have one other. Messrs. Todd, Mackey & Co., cotton machine builders, of Paterson, propose commencing the manufacture of locomotives at an early day. While upon this subject, I will give a statement furnished me by A. N. Gray, Esq., of Cleveland, of the cost of moving engines from Cleveland to Chicago, viz:—one engine of 4 ft.  $8\frac{1}{2}$  in. gauge.

Towing over Cleveland, Columbus and Cincinnati road, 24 miles, and Toledo, Norwalk and Cleveland road, 89 miles; on trucks, 113 miles, at 35 cents.....	\$39 55
Ferryage over Maumee river.....	14 00
Moving to and from track and boat.....	16 00
Towing over Southern Michigan and Northern Indiana road on its own wheels, 243 miles, at 25 cents.....	60 75
Forwarder's commission.....	25 00
Time and expenses of Man, 6 days.....	21 00
Changing drivers.....	6 00
Freight on ponies back to Cleveland.....	7 00
Use of trucks and ponies.....	5 00
Total for 356 miles.....	\$190 30

In addition to the engines arriving here to-day, one engine is already here, and another on its way from Paterson, both of Danforth, Cooke & Co.'s manufacture, destined for the 6 ft. Cincinnati and St. Louis road. Another, also a superb engine, called the "Atlas," from Rogers, Ketchum & Grosvenor's, is on its way here for the Buffalo and State Line railroad. The advent of these iron messengers is a forcible indication of western progress. Each of these is competent to do all the ordinary carrying for a community of 3000 souls. To be more plain, the average of locomotives, in a State like Massachusetts, is one for every 3000 persons. Each engine speaks of the completion or existance of four or five additional miles of the iron track.

Brundage, Lord & Seymour, have a shop in this place, devoted to the manufacture of freight cars, from which they have forwarded many cars to the Buffalo and New York City road, and to roads in the west and in Canada.

## What's the Matter?—Panama Railroad.

It is well known that some eighteen months since it was pompously announced through the public prints, that the contract for the completion of this work had been taken by the redoubtable George Law, who had "given bonds to have the road completed on the first day of August, 1858." With the work under the charge of such a man, its rapid progress was no longer a matter of doubt. An end had come of the vexatious delays that had been experienced. The prestige of success which usually followed Mr. Law's undertakings, had a very favorable influence upon the market value of the stock; so that both the public, and the parties immediately interested in the road were in the best humor at the very flattering aspect of affairs.

Well, the first of August, 1858, has come and gone, and so far from being completed, the road and everybody connected with it appear to have gone to sleep. We are not aware that the road has advanced one inch since Mr. Law took his contract. Whether any real advance has been made toward the final completion of the road, we are still ignorant. In the mean time, there has been a decided movement in the —stock; not onward, but backward,—the way that the road appears to have been moving. Within a little more than six months, the stock has fallen from 145 to 105! It thus appears that not only has the road made no progress, but the stockholders themselves have lost confidence in it. There is evidently a peg loose somewhere. If with Mr. Law's great capital, capacity and energy, the road cannot be made to move; if under his charge, the stockholders are backing out of the concern, and if with the payment of 15 per cent annually, from earnings, the price of the shares fall 33 per cent in six months, have not the public a right to infer that the "elephant" is beginning to show himself?

We have all along insisted that the Panama has been the worst managed concern in this country. We offended a good many by saying so, but even such we believe are beginning to find out we were right. The result has more than vindicated all we have said! Just think of it! Here is a little piece of road of less than fifty miles, that could, under proper management, have been built in two years, is not yet half opened, though the company have been steadily at work at something, for four years. By their delay, they sacrificed the very thing that would have given them success; nay, a monopoly of travel and transportation across the Isthmus. Had they opened their road with only reasonable dispatch, they would have effectually bluffed off other projects which have now gained so strong a footing as to assume the position of successful rivals. There now appears a strong probability that the Nicaragua, will become the favorite route, not only for passengers but for freight, mails and treasure; all of which might, and should have been retained upon the *Panama* route, and all of which, with their vast profits, have been sacrificed to the incapacity of the managers of this concern.

However, we are quite sure that what has happened is for the good of the public. The Panama company have allowed rivals to grow up, whose competition will bring down charges to reasonable rates. The Panama line will no longer enjoy a monopoly, which has been used as a terrible instrument of oppression to the great mass, for the benefit of the few. Already are rates rapidly fall-

ing upon both routes, with a corresponding increase of attention paid to the health and comfort of passengers. This will go on, till a person may go to California at as reasonable a charge, and with as good accommodations as are now afforded in a voyage to Europe.

#### Journal of Railroad Law.

##### RESTRICTIONS OF COMMON CARRIERS' LIABILITY.

That there is a growing tendency in our Courts to release as far as may safely be done the restrictions to which common carriers were subjected by the ancient common law is evident. It is true that our supreme court in *Gould vs Hill*, (2 Hill, 623,) declared that a common carrier could not limit his responsibility by express contract. But in the case of *Parsons against Monteath*, lately decided in the Supreme Court the foregoing decision was reversed; although it remains to be known whether the court of Appeals will sanction the doctrine in question. The goods delivered to the carrier in the last mentioned case were burned without the fault of the carrier, and upon an action brought against him it was shown that the goods had been received to the owner as follows:

"Received, goods, etc., which I agree to transport (the danger or the lakes, of fire, breakages of looking glasses, leakage of oil and acts of Providence excepted,) at the rate of etc." And by virtue of this receipt the carrier was held to be discharged from liability in consequence of the burning of the said goods.

This decision accords with the spirit of English legislation, and adjudication in respect to common carriers,—with the doctrine of the Supreme Court of the United States,—that of Massachusetts, and of the Court of Common Pleas, the Superior court see 8 vol. item R. R. Journal, p. 707., of our city.

Where the carrier undertakes to restrict his liability by a notice, he must show that the notice was brought home to the knowledge of the person to be charged thereby. In case a special contract is made by a carrier with owner of goods, the terms of the contract will of course be presumed to have been known by the latter.

##### THE LIABILITY OF RAILROAD DIRECTORS AND OFFICERS.

In England two verdicts have lately been rendered by Coroner's juries against the Chairmen of Railway companies for manslaughter: one against Hon. F. Scott, chairman of the South Western Railway company, for running a car over a laborer on the road, and another against Mr. Thompson, chairman of the York and North Midland Railway company, in consequence of the death of the engineer and stoker, caused by running the engine off the track.

Public opinion in respect to the liabilities of directors and other officers is as yet very vague and unsettled, and much further discussion of the subject is necessary. And an important aid in the investigation of these questions has been furnished by the late charge to the grand jury of Yorkshire, England, delivered by Justice Erie. In the course of his charge, the Judge observed in substance, that,

"If the directors of the Railway Company have knowingly used an unsafe engine, or prescribed some wrong regulation in regard to speed or otherwise, or if they have knowingly suffered the road to remain in a condition which rendered traveling unsafe, and death has thereby resulted, you

will find a true bill against them. \* \* \*

If the directors contracted for proper embankments for their road and the contractors proved unfaithful, and constructed bad ones which were the proximate causes of a fatal accident, then the contractors are in fault and chargeable with the consequences of their criminal negligence.

In regard to the decayed sleepers of the road,—the directors having appointed an inspector whose duty it was to supervise every portion of the road, are not liable for accidents resulting from such decayed sleepers if in providing for the examination of the sleepers due care and caution have been exercised by them.

##### Canada Grand Trunk vs. Great Western Railway.

Considerable excitement has been occasioned in Canada West by a proposition from the managers and friends of the Grand Trunk line of Railway, to those of the Great Western Railway to amalgamate or consolidate the interests of the two Roads, or certain portions of them; which proposition it is alleged, was accompanied by a threat on the part of the Grand Trunk party that in case of a refusal of the proposition by the great Western Company, the Grand Trunk Company would extend an independent, competing line parallel with the Great Western line from Guelph C. W. to Port Sarnia, on the St. Clair River, over which they would carry passengers for nothing. The particular friends of the Great Western line as may well be imagined did not much relish this attempt at appropriation and absorption of their favorite scheme, and the consequence was a call for a great Railway Meeting at Hamilton, Canada West, the eastern terminus of the Great Western line on Lake Ontario. The call was numerously responded to, and the meeting presided over by the Mayor passed the following preamble and resolutions:

Whereas reports have reached this city from various quarters, as mainly proceeding from gentlemen connected with the Grand Trunk Railway, that measures are in contemplation by the Directors and others aiding that enterprise, to endeavor to absorb the Great Western Railway Company into the Grand Trunk scheme.

And whereas any such amalgamation could not fail to operate most injuriously to the Stockholders of the Great Western Railway, by joining their road to a larger and much less profitable enterprise and placing it under the control of parties whose interest it would be to force the trade of the United States to the east and west of us, over a more northern, much longer, and less convenient route, and thereby in all probability forcing such travel and traffic round by the south shore of Lake Erie, thus turning off from this Province and the waters of Lake Ontario and the St. Lawrence, the business that rightfully and fairly belongs to them,—be it therefore

*Resolved*.—That in the opinion of this meeting, the Stockholders and Directors of the Great Western Railway Company will best consult the interests of this Province as well as their own self-evident advantage by declining to enter into any amalgamation with the Grand Trunk Railway, and resolutely maintaining their own independence.

"That in the opinion of this meeting, the route of the Great western Railroad is so far superior to any other projected in Canada, that its prospects can only be injured by amalgamation with any other line.

"That this Meeting looks with much satisfaction upon the recorded opinions of so eminent authority as Mr. Robert Stephenson, in deprecating the evils of Railway competition and trusts that may be enabled to advise the adoption of a

policy in regard to the competition now threatened by the carrying of the Grand Trunk line from Guelph to Sarnia, which runs the whole way parallel to the previously chartered Great Western Railway, at a very short average distance therefrom, instead of running North West to Saugeen to Owen Sound, a magnificent line of communication still unoccupied and which would complete a Railway System for Canada West, such as Mr. Stephenson has foreshadowed while, not interfering with any existing or chartered line of Railway.

The meeting was ably addressed by Messrs. FREEMAN, BRYDGES, TIFFANY, HAMILTON, McQUEEN, and BUCHANAN, in support of the resolutions and vindication of the priority and superiority of the rights of the Great Western Company to the Sarnia charter, and in some instances an inimadverting pretty severely upon the course which has been pursued toward the Great Western by the Grand Trunk Company in reference to the whole matter.

Mr. BRYDGES the Vice President of the Great Western Company, in relation to the charge, which some persons were diligent in circulating through Western Canada, that the Great Western Company, which he that day represented, were the aggressors in this controversy spoke as follows:

He would remind them that the acts of Parliament chartering the Great Western, and which passed between the years 1835 and 1840, gave that Company power to construct Railways from Niagara Falls through Hamilton and London to Windsor and Port Sarnia. The Directors then had to decide which line should be proceeded with first. It seemed to him that the Board acted very wisely in first prosecuting the line to Windsor, because it was a striking fact, that that was the only point in Canada even now to meet a contemplated line of railway coming through the State of Michigan. This was therefore the only line which could secure to Canada the travel between the Eastern and Western States of America, and he thought the meeting would agree that the Great Western Directors had acted most properly in deferring the construction of the Sarnia Line, until their main line was completed. They had, however, never in the slightest degree wavered in their determination to make the Sarnia Line. This was placed beyond all doubt, by the proceedings of the Board from time to time, who had applied to the necessary authorities for permission to pass the Indian Reserves; which must be crossed to approach the water's edge. He distinctly declared, on the part of the Board of Directors, that they had never even contemplated the abandonment of the Sarnia Charter, and he trusted that this public statement would place that question at rest. He then proceeded to shew that the Great Western was the real and bona fide western section of the main Trunk line, and read an extract from the 16th clause of the act passed in 1851 for the construction of a "Main Line of Railway throughout the whole length of the Province," which after declaring that the Government guarantee shall only be extended to lines which form part of the trunk, proceeds to enact that such guarantee, shall be given to "the Great Western line, which has been commenced and partly constructed on the faith of the said guarantee and forms part of the same Main Trunk line."

He then read from the 2nd clause of the Hamilton and Toronto Railway Act, passed in 1852, as a branch and connection of the Great Western, to the effect that "the said Railway (from Hamilton to Toronto) shall be held to form part of the main Trunk Line Railway" and therefore be entitled to the Government guarantee. If anything further was needed to place the matter beyond doubt, it would be found in the Grand Trunk Act itself, passed in 1852, which authorises the construction of a Railway from Montreal to Toronto, thereby of course confirming the Great Western and Hamilton and Toronto lines as the western section of the "Grand Trunk Line throughout the whole Province." This position is also

further confirmed by the fact that since the passing of the Act of 1851, the Great Western Company has actually received from Government as a part of the Main Trunk, a loan of £2000,000 sterling. He then explained that the Guelph and Sarnia line was only sanctioned by Parliament in 1852, several years after the chartering of the Great Western line to Sarnia, and was not afforded the Government guarantee, and its introduction therefore into the Grand Trunk scheme, was, he contended, a breach of faith towards the Company—a repudiation of the provisions of the Acts of Parliament and proceedings of the Government,—and was the commencement of a system of competition with the Great Western, with which it ran parallel for about 180 miles, and at less than an average of 20 miles apart from it. He trusted therefore that he had satisfied the meeting that the Great Western were not the aggressors, that they had acted fairly and honorably in prosecuting the works confided to them by Parliament, and that the proceedings of the Grand Trunk placed that body conclusively in the position of being the parties to introduce competition. He then proceeded to explain the proceedings which took place in England upon the appearance of the Grand Trunk Prospectus, when the President of the latter Company offered to amalgamate "on equal terms" with the Great Western line,—that was to take a line which was then nearly completed and about to come into active operation, and merge into a gigantic scheme, for which a spade had not been put into the ground. An agreement, a copy of which he then held in his hand, signed by Mr. Baring, on the part of the Grand Trunk, was however concluded between the two companies, by which the Grand Trunk was bound not to interfere in the district south of their line from Toronto Sarnia. What was his surprise therefore to hear the other day that the Grand Trunk party offered to build a Railway from their line to London, and extend to Sarnia, upon condition that the Great Western Company would give up its line to Sarnia to the Grand Trunk. He would not detain the meeting by making any remarks upon such an improper proposal beyond stating that the Great Western Company's line to Sarnia was under contract, that the Engineers were now on the line marking it out, and that in little more than twelve months the people of Hamilton would be able to travel to and from Sarnia by the Great Western line. It should not be forgotten that the Great Western was the pioneer of the railway system of this Province; it was the first Railway chartered, and the prospects and position which it had secured, had been of the very greatest use in turning the eyes of English capitalists to this country. He would also add that whilst the Great Western Company would decline any proposals for amalgamation with the Grand Trunk, they were quite ready to enter into mutually fair arrangements which while each remained independent in its district, would promote the convenience of the public and the prosperity of the shareholders of both Companies. Before concluding he thought it might be satisfactory to those present if he made a few remarks upon the prospects of the Great Western Railway. It was not until the beginning of the present year that he had been personally acquainted with this part of the world, but since that time he had frequently travelled through the district which will be served by the Great Western, and had made most careful and extensive enquiries as to the extent of its business and amount of its productions. From this he was perfectly satisfied that the local trade of the Great Western would present results of the most astonishing and gratifying nature and that before long the trade of Hamilton would be immensely increased by becoming the port of shipment for the magnificent district of country lying to the west of it. In addition to this the American through travel which would pass along this line would be immense, and the extraordinary increase which was taking place in the traffic of the New York Central on the one side, and the Michigan Central on the other, who would exchange

their traffic with this Company, formed a most encouraging feature in the prospects of the Great Western Company. But besides this, the Great Western would, without change of car, unite the sister cities of Buffalo and Detroit, each the focus of an immense business, and between which the communication was great and constant. On the whole, then he felt perfectly persuaded, that the prospects of the Great Western Company were of the most encouraging description, and far exceeded anything with which an experience of ten years among English Railways had rendered him familiar. He then stated that he was sure it would be exceedingly gratifying to the citizens of Hamilton to be told, that if no unforeseen contingencies tended to delay the works, he felt confident from the general position of the works, and from assurance received from the Contractors, that the Great Western Company would be in a position to convey passengers from Niagara Falls to Hamilton on the 1st November next, that on the 1st December, the line would be continued to London, and that by the 1st of January 1854, they would be enabled to conduct their traffic regularly between Niagara Falls and Windsor.

We have quoted pretty liberally from the remarks of Mr. BRYDGES both because we believe they give a correct statement of the facts in the case and the position assumed by the Great Western Company, and further because it will be interesting to the readers of the *Journal* to see that a person so long and intimately connected with the railway enterprises of England seems to have acquired during a few months residence in this country a proper appreciation of its wants and resources; its adaptedness to railways, and the propriety of their having free course as channels of travel and transportation, regardless of national or state boundary lines and restricted only by the demands of trade, commerce and the convenience of the whole community.

#### American and English Railways.

At a time when a parliamentary committee is sitting on railway policy, it appears opportune to bring before shareholders whatever evidence is calculated to assist in arriving at correct conclusions. The position of railway administration in England at the present moment is this: it is assumed by railway directors to be perfect; its perfection is very much doubted by shareholders and the public. The former have an idea that every care is not taken for economy, the latter that every care is not taken for public safety. The directors claim implicit confidence in their management, on account of the purity of their motives; the shareholders think that every respect may be paid to motives, but that salutary investigation may be made into details of management. We have always upheld this principle, and acting upon it, we shall take advantage of an important public document just issued in the United States, to institute a comparison between English and American management. The extravagance of one line may be defended or palliated by the greater extravagance of another line; but the experience of a remote system may be accepted as impartial evidence, and it may better guide us in arriving at results. Here, a certain set of engineers have given the same general character to the railway system of management; the school of Stephenson has become the school of England, and there has been little disposition to authorize anything which did not bear the stamp of legitimacy, as authoritatively imposed by the arbiters of railway expenditure. In the United States it has been different; there has not been that blind following of the high and mighty in engineering, and as there has not been a body of open-mouthed and open-pursed shareholders to draw upon, unlimited economy, and it may be said necessity, has in many cases been allowed to have some voice.—Hence we may expect to get some evidence which, though not arising from identical

circumstances, may throw light on the case, or even as being of a negative character, may determine the course of the investigation.

The documents before us are included in the report of Mr. McAlpine, the State Engineer of New York, in pursuance of a recent law, that passed in 1850, and although the operation of the system of returns is not yet complete, a large mass of valuable statistical information is brought together, and the deductions are very carefully drawn. When we state that the length of railways embraced in the returns is between 1,800 and 2,000 miles, it will be seen the extent is ample for comparison. The circumstances, too, of New York State admit of a better comparison than those of other parts of America. The country is not throughout so thickly peopled as England; but there is a metropolitan population in New York city of 600,000, and there are many populous towns. There are districts approaching Scotland and Wales in population, and there are large seats of manufacturers, and in some places an enormous transit trade. Thus there is great variety of character in the traffic conditions, in some cases approaching those of our wealthy and thriving districts, in others going as low as the poorest part of the Highland or Welsh Mountains. Some might reject the comparison for these latter circumstances, but they are indeed those which claim most attention. In these islands, a total population of 30,000,000 have 7,000 miles of railway; in New York, a population of 8,000,000 have 2,000 miles of railway. This is a proposition not lightly to be set aside without investigation. In Ireland, 6,000,000 of people have one third of the length of railway possessed by half the population of New York, or one sixth the supply. The case of Scotland is generally better, the same population as New York having half the length of railway.

The passenger traffic on 1,900 miles of railway in 1852 was 7,440,653, and the number of miles run, 343,358,545, which gave an average mile age per passenger of 46 miles. In 1851 the average distance travelled by each passenger was 47 miles; so that from discrepancies in the returns, some of the figures must be received with caution; but this may be taken as a fair average. The rate is far above the European standard, as the average rate in England and Belgium is only about one half of the above. The American returns include little of what is known as short, or omnibus traffic, which from the great extent of the country, and the widely scattered population, for which railways afford the most convenient transit, the distance of the journeys is greater than here. The returns likewise include a large population of through emigrant traffic to the far west. The average suggests some interesting reflections—First, that the American traffic is not to such a great proportion of ours, intermediate; and secondly, that a railway system can be carried out where the average mileage of each passenger is 46 miles as must be the case in some thinly peopled colonies and countries requiring great length of railway. This illustration will be found useful in reference to the Canadian railways, the traffic of which is little understood here.

The average speed of the passenger trains is given as 26½ miles per hour, but this seems to be the speed without stoppages. At any rate it is not a very high speed, but it is found suitable for a large proportion of the traffic. In this country the question has been little considered how far low speeds and cheap fares can be made to work profitably, except so far as the Irish lines are concerned, though there the tendency is towards increasing the speed. In New York, the emigrant traffic to Canada and the West is carried at very low rates, and it is contemplated to do the same on the great Canadian trunk.

The average number of passengers in a train is returned at 77.6; the number of trains per day being generally much less than in this country. The great endeavor in the United States is to give the public low fares, and the company a low rate of expenditure, and everything is directed upon these two principles which are made to work to

gether. By running a few trains at reasonable speeds, and by attending to the construction of the carriages, much economy is obtained. The American carriage being, as is well known, on a larger scale than here, and allowing of internal communication, admits of being worked cheaper with respect to the staff, on the line and in the stations, and is effectively more convenient to the public than the English carriage. This is a subject well worthy of enquiry as much of the economy of American railways depends upon it; but at present we can only briefly refer to it. The effect is to reduce the expenses of fixed stations, and to allow of passengers being worked from places where, on the English system, a station could not be maintained. Instead of a staff distributed over twenty stations, as here, the staff in America travels with the trains, and the stations, buildings and equipments are consequently of a minor character. On the other hand, whenever it is desirable to set down or take up a large or small number of passengers at a given spot not usually worked to as a station, nothing is necessary but to stop the train, like an old stage coach, and the requisite station staff is forthcoming. There are many places where there is a market traffic once a week, for which a fixed station staff would be required on such occasions, and with the privilege of keeping their hands in their own pockets, and dipping into the pockets of the shareholders the greater part of the week, and which must in England be neglected or worked at a loss. Of course a staff proportional to the trains will nevertheless be at times in excess of the traffic, but by no means correspondent to a fixed station staff.—*Herapeth's Journal.*

#### Exhibit of the Fort Wayne and Chicago Railroad Company.

This road commences at Fort Wayne, in the State of Indiana, at a point where the Ohio and Indiana Railway terminates, and ends at the City of Chicago, in the State of Illinois, a distance of 150 miles; is the fourth link in the chain of railway built and to be built between Philadelphia, by the way of Pittsburg, to Chicago, at which latter point it connects with the various rail-roads made and making from that point southwest and north, some half dozen in number.

From Philadelphia to Crestline there is a continuous line of rails completed and in successful operation. The Ohio and Indiana Road, lying between Crestline and Fort Wayne, will be completed and in operation at an early day in December next.

The charter of this Company under the concurrent legislation of the States of Indiana and Illinois, is perpetual in duration and liberal in its provisions.

A careful and accurate survey and location of the route has been made under the superintendence of Jesse R. Straughn, an experienced engineer.

The right of way obtained and paid for, necessary ground for stations, &c., and the entire line put under contract for graduation and masonry, at prices altogether satisfactory to the Company, and within the Engineer's estimate. The contractors broke ground early in June last. There are now some two thousand laborers at work on the line, the monthly payments to whom will be from \$60 to \$65,000. Contracts have also been made for cross-ties. The entire road is to be completed and in operation by the first January, 1855.

#### CHARACTER OF ROAD.

The length is 150 miles, from Fort Wayne to the southern bend of Lake Michigan, a distance of about 182 miles in a straight line, (the Ohio and Indiana Rail-Road is nearly a straight line in its entire course,) traversing a level country, with no gradients over  $2\frac{1}{4}$  feet to the mile; but few streams of water to pass, they small in size and easily bridged; hence the low cost of the road. Is to be a first class road, with T rail of 60 lbs. to the yard, well ballasted, with necessary sidings &c.

#### ESTIMATED COST OF ROAD.

The Engineer's estimate of the entire cost of this road, including right of way, stations, station houses and equipments for one year's operation, is \$2,500,000; to this must be added commissions, discount on bonds, and interest paid to stockholders whilst the road is building: this latter item will be paid in stock.

The right of way has cost but little, as releases have in general been given free of cost to the Company. Valuable real estate for stations has also been donated to the Company.

#### WAYS AND MEANS.

The stock subscription to date, including \$230,000 agreed to be taken by contractors, is .....	\$1,205,000
The above includes \$100,000 of stock take by the Ohio and Pennsylvania Rail-Road Company.	
It is expected that additional subscriptions along the line will be had the coming six months, to amount of ..	250,000
Stock to be taken by the Pennsylvania Rail-Road Company, by agreement, whenever legal authority is had to do it,.....	250,000
	\$1,705,000
The Company expect to make a mortgage debt to purchase rails, machinery, &c., of .....	1,250,000
	\$2,955,000

The Pennsylvania Central Railway and the City of Philadelphia stand pledged to furnish all the means necessary to the completion of this road, after the Company shall have obtained all the local subscription in their power to get; but it is thought the rail-road Company will only require the Pennsylvania Central Road to subscribe the \$250,000 as above named. The Ohio and Pennsylvania Rail-Road Company also agrees to increase their subscription \$100,000, if necessary.

The completion of the Fort Wayne and Chicago Road will be of great advantage to the Pennsylvania Central, and the Ohio and Pennsylvania Roads.

Thus, it will be seen that the means to complete this road will be ample, after they have negotiated their bonds.

The stock subscription is good and available; it is thought that three per cent. will cover all losses. Some \$250,000 has already been paid into the treasury of the Company, and the residue is being paid at the call of the Company.

#### POSITION OF ROAD.

That this line occupies a position quite equal to any other in the country, will at once be perceived by an inspection of a rail-road map of the United States. Its connections at either end, and the many important tributaries along its course, together with its immense local travel, will, beyond question, make its returns to the shareholders highly satisfactory.

It traverses a region of great fertility and productiveness, increasing in wealth and population at the rate of more than one hundred per cent., each period of ten years, at present without facilities of transportation other than the common roads of the country, which are nearly impassable half the year.

This line of road is the shortest by precisely 57 miles from New-York to Chicago, and by 100 miles from Philadelphia to Chicago, as will appear by the following comparison:

Pittsburg route.	Miles.
Chicago to Fort Wayne, .....	150
Fort Wayne to Pittsburg, .....	318
Pittsburg to Philadelphia, .....	353
Philadelphia to New-York, .....	88
Total, .....	909

Toledo route	Miles.
Chicago to Toledo, .....	242
Toledo to Cleveland, .....	113
Cleveland to Dunkirk, .....	142
Dunkirk to New-York; by Erie Rail-Road, 496	
Total, .....	966

The distance from Cleveland to Chicago, by the

way of the Ohio and Indiana, and Fort Wayne and Chicago Roads, is about the same as by the Toledo route; the difference will not be over three miles, if grades are taken into account; the former is the nearest route by many miles.

Between Chicago and Wooster, Ohio, a distance of 335 miles, there is no grade over 26 4-10 feet to the mile.

The entire travel of the vast regions beyond Chicago, equal to all Europe in extent, and to any other part of the globe in fertility, and the country on and near its line, to and from the Middle and Southeastern States, the cities of Pittsburg, Baltimore and Philadelphia, will necessarily pass over this line of road. That a railway will be made from the Mississippi River, or some point east of it, to the Pacific Ocean, at an early day, there remains no question. Chicago, it is generally thought, is the point where it should begin; that route is the shortest, and will be found equally practicable with any other. The great course of travel and commerce point it out as the starting point. Should this be realized, the stock of the Fort Wayne and Chicago Road will command a higher price than that of any other road in the Union. In any event, it will be about as valuable as that of any other.

From its peculiar location, it will not likely ever have competition.

The stock of the Michigan Southern Rail-Road now commands a premium of 25 per cent.; there is no reasonable question but this line of rail-road will prove equally productive, and that its stock will be as valuable as that of the first named road.

To pay for iron rails, transportation of the same, machinery, &c., the Directors have ordered the sale of \$1,250,000 of the 7 per cent. bonds of the Company, convertible into the capital stock of the Company, at any time within ten years, at the option of the holder.

The bonds will be in sums of \$1,000 each, dated the 1st July, 1853, payable in 20 years, principal and interest, in New-York, with coupons, the latter, 1 Jan. and 1 July, each year. To be secured by a first and only mortgage or deed of trust to John Ferguson, of New-York, in trust for the bondholders, on the Company's entire line, stations, rotary power, all other personal property, net income, franchises &c., with the usual power of taking possession, and selling, in case of default, the terms and conditions of the mortgage being the same as that of the Ohio and Indiana Company's mortgage.

The authorized capital stock of the Company is \$2,500,000, with power in the Board of Directors to increase it to any sum they choose. The charter gives full power to sell the bonds under par, making a sale under par as valid as if sold at par.

Winslow, Lanier & Co., 52 Wall-street, are the agents of the Company, for the sale of bonds, &c., who will give any other or further information relating thereto, that may be desired.

SAMUEL HANNA, President.

#### Alabama Railroad Convention.

On the 24th of August a Railroad Convention was held at Elyton, in Jefferson county. The counties of Blount, Coosa, Dallas, Greene, Jefferson, Marshall, Morgan, Montgomery, Perry, Shelby, Sumter, Talladega, Tuscaloosa, and Walker were well represented.

John D. Phelan of Perry, was chosen President, with thirteen Vice Presidents and four Secretaries.

A committee then reported the following resolutions, which were adopted unanimously:

*Resolved*, 1st, As the sense of this Convention that it is the duty of the State of Alabama to aid, by appropriate means, in the construction of works of Internal Improvements within its limits.

2. That as the most eligible plan for accomplishing that object, in the present condition of the state, we recommend the construction, by its aid, of a railroad of the first class, connecting the waters of the Tennessee river with the waters of the Mobile Bay, so as to connect north and south Alabama.

3. That the said road when constructed shall be

held under the control of the state, for the common benefit of all its citizens, and that roads built by private enterprise or in any other mode from any section of the state, shall be allowed to connect with said road, which is to be a common central stem.

4. That with the view of locating the said central road to the greatest advantage, we recommend a thorough and immediate topographical and geological survey by the state of all practicable routes likely to accomplish that object.

5. That we recommend to the Legislature of the state to make provision at its next session for the immediate, thorough and general geological survey of the state, and for its vigorous prosecution to completion at the earliest practicable period.

Among the speakers were Professor Bernard, of the Alabama University, Gen. Philpot, of Morgan, Rev. J. P. Perham, Professor Garland, Col. Ernest, Mr. S. Mudd, Mr. Gibson and Mr. Greene.

#### Lawrenceburg and Indianapolis Railroad

On Monday afternoon, the annual election, by the stockholders, of the directors of the Lawrenceburg and Upper Mississippi Railroad Company was held at Shelbyville. The old board consisting of Messrs. G. H. Dunn, D. Nevitt, and L. B. Lewis, of Dearborn county; J. B. Foley, James E. Hamilton, and J. G. Montfort, of Decatur county; and J. M. Ray, Harvey Bates, and Wm. Robson, of Marion county, was re-elected.

We availed ourselves of the invitation of one of the directors "to make the first trip to Shelbyville on the Lawrenceburg road,"—a passenger car being sent down to convey to Shelbyville such of the directors and stockholders as were in the city.

The train left here at a little after eight o'clock in the morning, and in about one hour arrived at Buck Creek, where there was a gap of a mile and a quarter not laid with rail and across which the passengers had to walk. A train from Shelbyville was in waiting at the other side of the gap in which we arrived at Shelbyville shortly after ten o'clock—having made the run from here to Shelbyville—walking a mile and a quarter—in a little over two hours.

In the evening the trip back was made in the same manner, with the exception that the distance to be walked was lessened a half mile—track to that extent having been laid during the day. The time occupied was only two hours—about fifteen minutes less than in the morning. The contractor declared his determination to have all the track down by yesterday evening, and we have no doubt it was done.

Almost all the track over which we run on Monday has been laid in the last two weeks—some of it was not even spiked except at the end of the rails—and yet it was the smoothest, best road we have traveled over in the State. Most of the iron is very long rails, of American Manufacture, and over these the cars run with the ease, smoothness, and freedom from noise claimed as the peculiar attendants of the compound rail.

The road, after leaving the corporate limits of Indianapolis, is run in a "bee line" to Shelbyville, a distance of twenty-six miles, and as the grades are very easy it is intended that the time between here and Shelbyville shall be only half an hour when the cars get to running regularly. From the unusual excellence of the construction of the road, we have no doubt that this time can be and will be readily and constantly made.

We understand that very shortly—probably as early as next Monday—the Jeffersonville Railroad Company will commence running their regular trains on this road through to Jeffersonville by way of the Shelbyville and Edinburgh Railroad, in accordance with an agreement made some time since between the Lawrenceburg and Jeffersonville companies.

We are informed that the whole road between Lawrenceburg and this city will be completed and regular trains running through in about three weeks. The time between this city and Cincinnati will then be only about three hours.

The stockholders in the train that went to Shelbyville were very highly pleased with the manner in which their road was built. As an evidence of their feeling—we heard one of them remark during the return trip in the evening, that the stock was then worth ten per cent. more than it was when he started in the morning, in which all who were present concurred—*Indiana State Sentinel of September 7.*

#### The Pan-Handle Controversy.

The four northern counties of the State of Virginia form a long and narrow strip of territory, running up between the States of Ohio and Pennsylvania. This strip is 64 miles long, and in some places is less than 4 miles wide. This is the pan-handle. It contains one important town (Wheeling) on the Ohio river, where the National road crosses, and where the Baltimore and Ohio railroad now terminates. As Wheeling is more than 20 miles north of the southwest corner of Pennsylvania, the most direct route for this railroad would have been through that State, and so they wished to go. Pittsburgh is 95 miles distant from Wheeling by the river, though only half of that by a straight line. Pittsburgh and Wheeling were rival commercial cities, and Pittsburgh so controlled the legislation of Pennsylvania, that the railroad company could not get the right of way through that State without submitting to burdensome conditions. So, after much negotiation, the company constructed its road over and through the mountains and wilderness of Northern Virginia.

Then Wheeling resolved to build a bridge across the channel of the Ohio river. A charter from the State of Virginia was procured, and a beautiful wire suspension bridge was built. Not knowing, we cannot say whether they built it low on purpose, but certainly they did build it so low as to interrupt somewhat, the passage up and down of the large Ohio river steamboats, thus tending to make Wheeling, instead of Pittsburgh, the head of navigation.

Pittsburgh, in the name of the State of Pennsylvania, applied to the Supreme Court of the United States to tear down the bridge. The Supreme Court, after much deliberation, decreed that the bridge was a nuisance, and must either come down or go up 20 feet higher. The Pittsburgh folks are very energetic. The Wheeling folks are very ingenious. They induced Congress to declare their bridge a post route, just as it stands. Will the Supreme court order the nuisance to be abated in spite of Congress? That remains to be seen.

The city of Steubenville is on the Ohio side of the river, 23 miles above Wheeling. Opposite to it, the "pan-handle" is less than five miles wide. The Steubenville folks are also energetic and ingenious, and they have undertaken to build a railroad from the Ohio river at that point, westward to Columbus; and this road, called the Steubenville and Indiana, is now in an advanced state of construction as far as Newark. A glance at the map will show that the cities of Columbus, Steubenville, Pittsburgh and Philadelphia are almost in a straight line. The Steubenville and Indiana railroad and the Pennsylvania Central railroad, form part of the shortest road connecting Columbus and the cities west of it. But an important part of this nearly air-line road is the link between Pittsburgh and Steubenville. To make that link, they must run six miles on the territory of the Virginia pan-handle. The citizens of the two northern counties are almost unanimous in favor of granting the right of way; but the influence of Wheeling has thus far prevented the Virginia legislature from making the grant.

The population of the city outnumbering the rest of the district, they have elected a senator on the very ground that he shall advocate the peculiar local interests of Wheeling. The "rural" part of the district, from the northern extremity as far south as, and including the town of Wellsburg, 16 miles north of Wheeling, have become so exasperated at this selfish conduct, that they want to secede, and be annexed to Pennsylvania.

In the meanwhile, Pennsylvania has chartered

the Pittsburgh and Steubenville railroad company, and for some months past they have been hard at work grading that part of the line which is in Pennsylvania. Some few weeks since, an advertisement appeared in the Ohio papers, subscribed by Jesse Edgington and Nathaniel Wells, inviting proposals "for grading, bridging and completing about six miles of railroad on their land in the valley of Harman's Creek."

This is the pan-handle part of the Pittsburgh and Steubenville railroad. Every land owner on the line has given or sold the land to those two men, who are two of the most respectable citizens of that county. They do not need any charter to build a railroad on their own land. The contracts were made for completing the road before the 1st of December, as they mean to be in operation before the Virginia Assembly has time to pass any new penal statutes. When the road is in operation, it will be protected by a certain slight amendment that was put on the post route bill in Congress last winter, declaring that all railroads and parts of railroads shall be post routes as soon as such roads and parts get into operation. Thus it is intended that this brilliant invention of the Wheeling folks shall "return to plague them."

In this way do people contrive "to whip the Devil round the stump," and to accomplish the same objects that they would had they been free to act, with this difference—a vastly increased annoyance and outlay. A dam does not stop the course of a river. The water turned out of its natural path, finds vent in another direction. So with our railroad enterprises. If they cannot be secured by a straightforward course, a tortuous one will be pursued, which in the end will lead to the same result.

#### Cincinnati and Chicago Railroad.

We copy the following letter from the President of this road addressed to the Indiana State Journal:

To correct a rumor that is afloat calculated to injure an enterprise in which a portion of our State is deeply interested, I ask the use of your columns to correct some representations that are abroad as to which route is nearest and best, from Indianapolis to Chicago.

The road from Logansport to the Northern Indiana Railroad, is now under contract to Messrs DeGraff, Shoemaker & Co., upon terms within the ability of the Company to comply with. The road from the Calumet river to Logansport, has been surveyed and located, and the contractors were at Logansport last week to commence operations on the heaviest work on the line in the vicinity of Logansport; but owing to a misunderstanding with regard to the depot grounds, the Company requested a month's time to fix upon a starting point. The work is to be entirely completed within eighteen months from the 1st of July last. This company is consolidated with the Cincinnati, Logansport and Chicago Railway Company, forming one line from Chicago to Richmond. This line, with the Peru road to Kokomo, will enable you to reach Chicago in 179 miles from Indianapolis. We do not wish to detract from the merits of any other enterprise, but simply say Logansport is East of a direct line from Indianapolis to Chicago, and that it is absurd to say a line 18 miles farther East is the nearest or best route from your city to Chicago.

The distance from Logansport to Chicago is 102 miles, and from Logansport to Peru by Wabash valley 17, making 119 miles from Peru to Chicago by way of Logansport. By the Peru and Chicago road from Peru to Rochester, is 23 1-2 miles; from Rochester to Plymouth, 20 miles; from Plymouth to Laporte, 29 1-2 miles, and from Laporte to Chicago, 61 miles by the road with which they propose to connect, making from Peru to Chicago 184 miles; or if you come down to Kokomo, at which point the distance to Logansport is but two miles more, then to Peru, you save in distance 30 miles in going to Chicago from Indianapolis, and make the Wabash Valley and Logansport, and Chicago roads from Peru, by Logansport, to Chicago, 13 miles nearer from Peru to Chicago, than by their road

proposed to Laporte, called the Peru and Chicago railroad.

I send you a published copy of our contract of consolidation, &c. Yours respectfully,  
W. WRIGHT.

#### General Internal Improvement Law of Tennessee.

At the time of the passage of this law, we believed it adapted to advance, in an eminent degree the interest of Railroad Companies and the prosperity of the State. Experience has somewhat modified our expectations. The law provides for the use, by certain Railroad Companies, of the credit of the State to the amount of \$8000 per mile, when such companies, shall have prepared their road beds for the rails. The claim of the State is not in the shape of a *mortgage*, but is a *lien* created by law. Now \$8000 per mile is not more than one half of the amount that the companies in Tennessee will, as a general rule be compelled to borrow. For the additional \$8000 per mile, the companies will have to rely upon a *second mortgage*. It is found so difficult to negotiate a loan under a *second mortgage*, we think that the Tennessee Companies would find that they could borrow what they need under *one*, and a *first mortgage*, upon better terms than to take the State aid for a *part*. Capitalists would much prefer lending \$16,000 per mile upon a *first mortgage*, than \$8000 per mile upon a *second*. If the last sum could be negotiated, certainly the first could. When therefore, a company is compelled to borrow more than \$8000 per mile the provision for State aid is clearly no advantage.

The object of the law was to furnish a sufficient credit to Railroad companies to enable them to purchase the *iron and equipments* for their roads. The law was passed at a time when iron could be imported for \$37 per ton. It is now worth double that sum. All kinds of machinery have advanced very largely. To carry out the *spirit* of the law, the State should increase the sum per mile, in proportion to the increased cost of material, or should allow a *mortgage*, say of \$8000 per mile, to come in on the same footing as the State *lien*. Unless something of this kind be done, Railroad companies will find the aid that they have so confidently counted upon, will be rather a stumbling block in the way, than any real service.

## TYRES.

**L**OCOMOTIVE AND CAR WHEEL TYRES, from the Manufactory of the celebrated and well known Iron Works of the LOW MOOR CO., in England, are furnished by the subscriber, Agent, by direct importations, ready Welded, Blocked, and Rolled, from only ONE BAR and with only ONE WELD, at a cost much below that of any other stamp.

Imports through the last year of nearly 3000 Single-welded Tyres, which are now found running on the important Railways, have rendered them in almost exclusive use, and their performance of over 20,000 miles each, have elicited the highest recommendations of their superiority.

All work of this Company is warranted to give satisfaction. Sample Tyres may be seen at the Crystal Palace, New York, and at my Warehouse, 9 Liberty Square, Boston.

W. BAILEY LANG,  
24 BROADWAY, N. Y.  
9 LIBERTY SQUARE, BOSTON.

## LITHOGRAPHY.

**P**UBLISHERS, Civil Engineers, Machinists, and others requiring Lithographs, plain or in colors, can depend on the high finish of their designs, along with promptness and dispatch.

DAVID CHILLAS,  
50 South 3rd Street.  
Philadelphia.

May 1st, 1853.

## Railroad Iron.

TWO THOUSAND TONS Erie Pattern, 55 lbs. to the yard, already shipped, and expected here soon—for sale by

JOHN H. HICKS, 90 Beaver st.

## N. York and N. Haven R. R.

### NOTICE OF SUMMER ARRANGEMENTS,

Commencing Monday, May 9, 1853.

TRAINS FROM NEW YORK.	TRAINS TO NEW YORK.
7 A. M.—Accommodation to	6.30 A. M.—Special, from Port Chester.
New Haven.	8 A. M.—Express for Boston.
8 A. M.—Express for Boston, stopping at Stamford and Bridgeport.	6.15 A. M.—Accommodation fm New Haven.
9.10 A. M.—Special for Port Chester.	8.15 A. M.—Accommodation fm New Haven.
11.30 A. M.—Accommodation for New Haven.	9.35 A. M.—Express from New Haven, stopping at Bridgeport, Norwalk and Stamford.
3:00 P. M.—Express for New Haven, stopping at Stamford, Norwalk and Bridgeport.	1.07 P. M.—Boston Express, stopping at Bridgeport, Norwalk and Stamford.
4.00 P. M.—Accommodation for New Haven.	4.00 P. M.—Special, from Port Chester.
5.00 P. M.—Express for Boston, stopping at N. Haven.	5.35 P. M.—Boston Express, fm New Haven.
6.30 P. M.—Commutation for N. Haven.	9.30 P. M.—Boston Express, stopping at Bridgeport, Norwalk and Stamford.
Special for Port Chester.	Special for Port Chester.

GEORGE W. WHISTLER, Jr., Sup't.  
New Haven, May, 1853.

SIXTY MILES DISTANCE SAVED!—ONLY THIRTY-SIX AND A HALF HOURS TO CHICAGO.

MICHIGAN SOUTHERN RAILROAD LINE, carrying the Great Western U. S. Through Mail—FOR CHICAGO AND ST. LOUIS, MILWAUKEE, RACINE KENOSHA, and all Ports on Lake Michigan.—Through from Buffalo to Monroe IN FOURTEEN HOURS WITHOUT LANDING.

The following magnificent and unequalled steamers from the line between Buffalo and Monroe:

EMPIRE STATE. J. WILSON, Commander, leaves Buffalo Mondays and Thursdays.

SOUTHERN MICHIGAN, A. D. PERKINS, Commander, leaves Buffalo Tuesdays and Fridays.

NORTHERN INDIANA, I. T. PHILLIPS, Commander, leaves Buffalo Wednesdays and Saturdays.

One of the above splendid steamers will leave the Michigan Southern Railroad Line Dock, at 9 o'clock, P. M. every day, (except Sundays) and run direct through to Monroe without landing, in 14 hours, where the Lightning Express Train will be in waiting to take passengers direct to Chicago in 8 hours; arriving next evening after leaving Buffalo.

### THE LAKE SHORE RAILROAD.

runs in connection with this line, forming the only continuous line of Railroad to Chicago and the Illinois River.

For Through Tickets, by New-York and Erie and Buffalo and New-York City Railroad via Buffalo, or by the People's Line of Steamboats; Hudson River Railroad via Albany and Buffalo, apply to

JOHN F. PORTER, Agent,  
No. 193 Broadway, corner Dey-st., N. Y.

## New York and Erie R. R.

PASSENGER TRAINS  
leave Pier foot of Duane street,  
as follows, viz:—

DAY EXPRESS, at 6 a. m. for Buffalo direct, over the N. Y. and E. R. R., and the Buffalo and N. York City R. R., without change of baggage or cars; and also for Dunkirk.

MAIL, at 8 a.m. for Dunkirk and Buffalo, and all intermediate stations. Passengers by this train will remain over night at any station between Susquehanna and Corning, and proceed the next morning.

ACCOMMODATION, at 12½ p.m. for Delaware and all intermediate stations.

WAY, at 3½ p.m. for Delaware and all intermediate stations.

NIGHT EXPRESS, at 6 p. m. for Dunkirk and Buffalo.

EMIGRANT, at 7 p.m. for Dunkirk and all intermediate stations.

On Sundays only one Express Train—at 6 p.m.

The Express Trains connect at Dunkirk with the Lake Shore Railroad for Cleveland, Cincinnati, Chicago, etc., and at Buffalo with first class splendid steamers for Cleveland, Sandusky, Toledo, Detroit and Chicago.

CHAS. MINOT, Sup't.

## BRANDS' LIQUID,

### FOR DISSOLVING AND PREVENTING

### INCROSTATIONS IN STEAM BOILERS,

Is acknowledged by all who have used it, to be the best preventive ever introduced to the notice of the public. It is not injurious to the Boilers, even if used in large quantities, and is now in general use in a great part of Europe, on Railroads and Steamboats, and for Stationary Boilers.

By the use of this liquid, old incrusted boilers, and principally tubular boilers, which from their construction are in general very difficult and in some cases impossible to be cleaned, may be freed from incrustation in a few days, and by the continued use of it kept entirely free from any future accumulation, thereby increasing the generation of steam, reducing the consumption of fuel and diminishing the danger of explosions.

The proprietors of Brands' Liquid are so confident of the merits of this invention, that they offer one barrel gratis to parties willing to make a trial, and to be paid for only in case of success.

Directions for the use of Brands' Liquid, with testimonials, together with full particulars, may be obtained from the Agents,

Messrs. BOURRY & ROEDER,  
Consulting and Mechanical Engineers.

Aug. 10, 1853. 333 Broadway, N. Y.

## Railroad Iron.

2809 Tons, T pattern, weighing about 57 lbs. per yard, of Guest & Co's make (GL), shortly expected at this port, for sale by BOORMAN, JOHNSTON & CO., Sept. 7. 90 Broadway, New York.

## Railroad Iron.

THE Subscribers are at all times prepared to enter into contracts for Railroad Iron, of Messrs. Guest & Co., or other leading manufacturers' make, delivered free on board vessels in England or in this country.

BOORMAN, JOHNSTON & CO.,  
Sept. 7. 90 Broadway, New York.

## Stuart, Serrell & Co., CIVIL ENGINEERS,

Rooms 22, 24, 26 & 27,  
157 Broadway, New York.  
CHARLES B. STUART,  
DANIEL MARSH,  
EDWARD W. SERRELL,  
SAMUEL MCELROY.

## India-Rubber Railroad Car Springs, etc.

THE UNITED STATES CAR SPRING COMPANY, having completed their new Factory, are manufacturing and furnishing to Railroad Companies, and Car Builders, RUBBER SPRINGS of the best quality, on the most favorable terms.

Also, McMullen's superior WHITE HOSE, not only for Railroads, but all other purposes, and of any size or thickness required.

Office No. 25 Cliff street,  
New York.

## Drawing.

B. BLANDOWSKI, Topographical and Ornamental Draughtsman and Designer. Maps accurately drawn, enlarged or reduced from notes or copies. Ornamental designs for decorations, furniture, fences and ornamental foundry work. Architectural designs. Drawings from nature carefully prepared.

REFERENCES. Messrs. Miller and Freund, Lignous Marble Works, corner of Franklin and Center streets, New York. Also H. V. Poor, Esq., Editor Railroad Journal, and Zerah Colburn, Assistant do.

Address, care of Railroad Journal, 9 Spruce street New York.

SIMEON DRAPER, 46 Pine st., offers for sale a variety of Railroad Bonds and Stocks; also, State, City, Town and Country Bonds, among which are :

State of Pennsylvania 5 per cent. coupon Bonds, \$1,000 each, coupons payable Feb. 1 and Aug. 1, in Philadelphia, mature 1877.

State of Georgia 7 per cent. coupon Bonds, \$500 each, coupons payable Jan. 1 and July 1, in Savannah, mature 1861.

State of Wisconsin 12 per cent. coupon Script, for improvement of Fox and Wisconsin Rivers, whole issue \$75,000, coupon payable Jan. 1, in New York, mature 1862.

State of New York 5 per cent. Canal Certificates, interest payable in New York.

City of Troy, N. Y., 6 per cent. Bonds, whole issue \$500,000, Bonds \$1,000 each, coupons payable Jan. 1 and July 1, in New York, mature 1867 and 1872.

City of Newburg 6 per cent. Bonds, whole issue \$100,000 coupons payable March 1 and Sept. 1, in New York, mature 1873.

City of Racine, Wis., 7 per cent. Bonds, whole issue \$300,000 bonds. \$500 and \$1,000 each, guaranteed by the R. J. and Mississippi Railroad, and convertible into its stock, coupons payable Jan 1 and July 1, in New York, mature 1872.

First Mortgage Convertible 7 per cent. Bonds of the Buffalo, Corning and New York Railroad, whole issue \$550,000, coupons payable in New York, April 1 and Oct. 1, mature 1867.

First Mortgage Convertible 7 per cent. Bonds of the Western Vermont Railroad, whole issue \$400,000, coupons payable in New York Jan 1 and July 1, mature 1861-71.

First Mortgage Convertible 7 per cent. Bonds of the Columbus, Piqua and Indiana Railroad, whole issue of \$600,000, coupons payable in New York Jan. 1 and July 1, mature 1862.

First Mortgage Convertible 7 per cent. Bonds of the Mississippi and Rock River Junction, whole issue \$400,000, coupons payable in New York Jan 1 and July 1, 1863.

First Mortgage Convertible 8 per cent. Bonds of the Milwaukee and Mississippi Railroad, whole issue \$600,000, coupons payable in New York Jan. 1 and July 1, 1802.

First Mortgage 7 per cent. Bonds, Corning and Blosburg Railroad, whole issue \$150,000, coupons payable in New York May 1 and Nov. 1, mature 1878.

First Mortgage 7 per cent. Bonds, Toledo, Nowwalk and Cleveland, whole issue \$525,000 coupons payable in New York Feb. 1 and Aug. 1, mature 1868.

First Mortgage 7 per cent. Bonds, Mansfield and Sandusky, whole issue \$730,000, coupons payable in New York Jan. 1 and July 1, mature 1860.

First Mortgage 7 per cent. Bonds Vermont Valley, whole issue \$386,000, coupons payable in New York April 1, Oct. 1, mature 1861.

First Mortgage 7 per cent. Bonds Troy and Bennington Railroad whole issue \$100,000 coupons payable in Troy, New York Jan. 1 and July 1, mature 1862.

First Mortgage 7 per cent. Bonds New Jersey Central Railroad, whole issue \$1,500,000, coupons payable in New York Feb. 1 and Aug. 1, mature 1860'70.

First Mortgage 7 per cent. Bonds, Brunswick Canal Co., whole issue \$200,000, coupons payable in New York Jan. 1, July 1, mature 1857.

Also, Second Mortgage Bonds of many of the above Companies, and 7 per cent Bonds, Saratoga and Washington Railroad, whole issue \$340,000, coupons payable in New York, mature 1862.

7 per cent Bonds Troy and Boston, whole issue \$800,000 coupons payable in New York April 1 and Oct. 1, mature 1864.

10 per cent. Bonds Mansfield and Sandusky Railroad Co., whole issue \$170,000, coupons payable in New York April 1 and Oct. 1, mature 1855'57.

7 per cent. Mortgage Bonds of the Atlantic Steamship Co., whole issue \$700,000, coupons payable in New York, mature 1865.

8 per cent. Convertible Bonds of the Michigan Central Railroad Co., whole issue \$2,459,500, coupons payable in New York April 1 and Oct. 1, mature 1860.

#### Notice to Contractors.

**P**ROPOSALS for the Grading, Masonry and Bridging of portions of the Girard and Mobile railroad, will be received at the Railroad Journal Office, New York, on the 1st of October next.

Plans, Profiles and other required information will be furnished at that time. The entire length of the road is 225 miles; commencing at Girard, in Russell County, on the west bank of the Chat-hirhu river, opposite Columbus, Ga., and running to Mobile, 52 miles south of Girard, is under contract, 28 miles nearly complete. The amount of subscription up to date is \$2,766,000. The probable cost of the road is \$4,000,000.

That portion of the line between Greenville and Mobile (115 miles) will be placed under contract as soon as the Mobile subscription of \$1,000,000 becomes available.

ROBT. S. HARDAWAY, President.

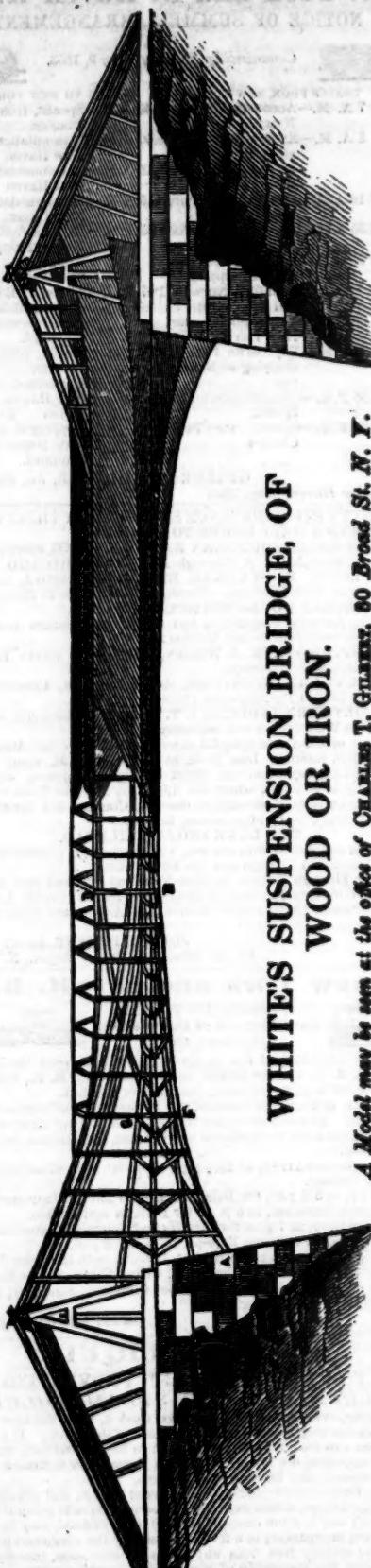
GEO. S. RUNEY, Chief Engineer.

Girard Railroad Office, 6th July, 1853.

#### To Contractors.

**S**EALED PROPOSALS will be received at the Office of the Chesapeake and Delaware Canal Company, No. 64½ Walnut street, Philadelphia, until the 15th day of September next, for the construction of the NEW LOCKS to be made on the Chesapeake and Delaware canal. Plans and specifications for said Locks will be exhibited at the office of the Company on and after the 8th of September.

ANDREW C. GRAY,  
President Ches. and Del. Canal Co.



Length of span, anything short of 1,000 feet with perfect safety for every kind of travel. The above cut represents a Wooden Bridge with a reef. The arrangement for the Iron Bridge is such as to avoid all the bad effects of changes of Temperature. For a full description, see pamphlets; for further information, respecting models, rights, &c., apply, by letter or otherwise, to AMB. WHITE, or JOSHUA F. THAYER, Proprietors, Cambridgeport, Mass.  
Office next door to the Atheneum.

#### Notice to Contractors.

**BUFFALO & PITTSBURGH RAILROAD.**  
**S**EALED PROPOSALS will be received at the Engineer's office in the city of Buffalo, until the 20th day of September next, for the gradation, masonry, and for the entire construction of the line of road, (about 75 miles) between the city of Buffalo and the Pennsylvania state line, in the valley of Tunangwant.

Plans and specifications will be ready for inspection at the office of the engineer on and after the 10th day of September instant. The proposals may be made for the grading, masonry, ties, fencing and entire construction in a single proposition or for the same and all items separately and in independent propositions; and proposals as above for a single section or any number of sections will be received, the company reserving the right to reject such propositions as are not satisfactory. Any further information desired may be obtained by addressing Hon. Orlando Allen, president of the company, Buffalo.

Proposals are invited from contractors of ability for the whole road. Buffalo, Sept. 1, 1853.

E. R. BLACKWELL, Chief Engineer.

#### Notice to Contractors.

**T**HE UNDERSIGNED will receive proposals, at the railroad office in Indianapolis, to construct the Evansville, Indianapolis, and Cleveland Straight Line Railroad from Evansville to Indianapolis. The proposals will be for the whole line, 150 miles, more or less, or for either of the three sections of about 50 miles each. First from Evansville to the crossings of the Ohio, and Mississippi railroad in Davise's Co.; second, from that point to Spencer, Owen county; Third, From that point to Indianapolis. The bid will be for the whole work the company finding the iron, chairs, and spikes), up to the rolling machinery, or for the earth and rock-work alone. The proposal will state what part of the pay will be received in real estate, bonds, and stock of the company.

O. H. SMITH, President.  
WILLARD CARPENTER, Vice President.  
Augt. 13, 1853.

#### Railroad Spikes.

**T**HE Subscribers are manufacturing *Railroad Spikes* with SWETT'S Patent Improved Machines; and are prepared to execute orders for any quantity, on the most favorable terms. These Spikes are made of the best quality of iron, and, for shape and finish, are superior to any others. Railroad companies and others in want, are respectfully solicited to order a sample before purchasing elsewhere. All orders will receive prompt attention.

SWETT, ELLIOT & CO.

Pittsburgh, Pa., August 25, 1853.

**O**FICE CINCINNATI, HAMILTON and DAYTON Railroad Company.—Cincinnati, Aug. 9th, 1853.—The directors of this company have this day declared a dividend of five per cent. on their capital stock, payable to the stockholders registered in Cincinnati on demand, and to those registered in New York, on and after the 25th inst., at the office of the Ohio Life Insurance and Trust Company, in New York.

1m. FRANK S. BOND, Sec'y.

#### Book and Job Printing.

The undersigned have added to the PRINTING ESTABLISHMENT of the "RAILROAD JOURNAL," an extensive OFFICE for *BOOK AND JOB PRINTING*, which they are now prepared to execute in the BEST manner, and with DISPATCH. They respectfully solicit from RAILROAD COMPANIES, orders for the PRINTING of Exhibits, Time-tables, Circulars, Tickets, &c., &c. Cambridgeport, Mass.

J. H. SCHULTZ & CO.

New York April 9, 1853.